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**IRA ALLEN**  
*Founder of Vermont*

IN TWO VOLUMES

VOLUME II









IRA ALLEN CHAPEL  
University of Vermont, Burlington



# IRA ALLEN

*Founder of Vermont*

1751—1814

BY

JAMES BENJAMIN WILBUR

*With Illustrations*



VOLUME II

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# IRA ALLEN

## FOUNDER OF VERMONT



### CHAPTER XIX

THE FOURTEENTH STATE — UNIVERSITY FOUNDED —  
LEVI IN LONDON

1791

FOR eight years, 1783 to 1791, Great Britain sent no ministers to the United States, discouraged the overtures of the American Minister to England, and was contented with such informal services as could be rendered in the United States by consuls and such secret agents as were sent from Canada by Lord Dorchester.<sup>1</sup>

On January 6, a Convention assembled at Bennington for the purpose of ratifying the Constitution of the United States. Of the one hundred and nine members of this Convention through whose action the little Republic of Vermont would cease to exist, only five had been delegates of the Convention of July 24, 1776, which had brought it into existence — Thomas Chittenden, of Williston, Ira Allen, of Colchester, John Strong, of Addison, Martin Powell, of Manchester, and William Ward, of Poultney — though a few others had attended some of the adjourned meetings of the first Convention. Thomas Chittenden was chosen President of this 1791 Convention. There was some discussion as to the desirability of Vermont giving up her independence. One member 'declared that Congress never had noticed Vermont, or taken one step that indicated a wish for union. All that had been done was a result of New York's desire to retain the seat of the Federal Government [in New York City], which was considered by that state more important than her claim to Ver-

<sup>1</sup> *Guide to Material in London Archives. . . . since 1783* (Carnegie, Washington, 1914), p. 13.



mont lands. For this reason New York, hitherto an avowed enemy, was exerting her influence to the utmost to bring Vermont into the Union, in order to add another weight to the Northern scale.' <sup>1</sup> This was true, as the entire negotiation had been conducted by Alexander Hamilton and Nathaniel Chipman, who were both strong Federalists. After several days' debate a committee was appointed 'to make a suitable draft of a form of assent to the Constitution,' and, on the morning of Monday, January 10, the committee reported a form which being read produced more debate. In the course of this Allen proposed an amendment to the form, which being agreed to and the question being put, the report was adopted by a unanimous vote. It was fitting that Allen should have the last word in extinguishing the Republic he had so valiantly defended. Allen's effort in framing the ratification was to compel Congress to recognize Vermont's settlement with New York, which would prevent New York claimants from using successfully the Federal Courts to make Vermont recognize New York charters.

The Council and Assembly met in Bennington January 10. Many of the members of the Convention were also members of the Assembly. This was an adjourned meeting for the purpose of passing such resolutions as were necessary to make Vermont one of the United States. Allen was on most of the important committees and was one of a committee of ten to prepare a bill or resolution for that purpose. Two commissioners were appointed

to repair to the Congress of the United States of America, as soon as may be, whose duty it shall be to endeavor, that the act of Congress admitting the state of Vermont into the federal union, be so predicated on the act of the commissioners of the state of New York, done at New York October 7, 1790, and on the act of this state in consequence thereof, that those acts be considered as the basis of our admission, and also in said act of Congress the State of Vermont be recognized as a sovereign independent state, since the fifteenth day of January 1777.<sup>2</sup>

This confirms the birth of Vermont at Westminster. Allen was one of three to draft the bill covering these points and

<sup>1</sup> Vermont, *Records of the Governor and Council* (Montpelier, 1878), vol. 3, p. 465 ff.; *Vermont Gazette*, January 17, 1791.

<sup>2</sup> *Vermont State Journal*, January, 1791, p. 17.

giving the commissioners instructions. He was also one of a committee of three to draft a bill appointing Senators; but when the committee presented its draft of a bill, it was dismissed and the old method of choosing them by joint ballot of the Council and Assembly was adopted. Nathaniel Chipman and L. R. Morris, clerk of the House, were the two commissioners appointed. Both were rewarded by Hamilton for their services, Chipman being appointed a Federal Judge, and Morris, United States Marshal for Vermont. Moses Robinson and Stephen R. Bradley were appointed United States Senators. Ira Allen should have been Vermont's first Senator, but his business interests would not permit him to take any office, no matter how strongly he was urged. Allen was on the committee to make arrangements for the payment of the thirty thousand dollars to New York.

On January 24, 'the memorial of Ira Allen, relative to a college, was referred to the next session of the Assembly.' He evidently felt he was not sure of enough votes to accomplish his design.

On the following day

the House took up the report of the commissioners appointed to settle accounts with the late Surveyor-General, so far as that report relates to the balance due to the said Surveyor-General, when Mr. Allen moved that the Legislature would adopt some equitable mode for a final settlement of all his accounts with the state; upon which Mr. Chandler, Mr. Hunt and Mr. Hazen were appointed to nominate a committee of five, to report to this Legislature the real demands Mr. Allen has against this State; and the mode of payment which ought to be made to him.

The day following,

the committee appointed to take under consideration General Allen's accounts, made their report; which being read, Resolved that Mr. Bradley, Mr. Israel Smith and Mr. Hitchcock, be a committee to prepare a bill for appointing commissioners to settle all accounts between this State and General Allen.

On January 26, the above-mentioned bill was read and on the next day was referred to the next session, but making it the order of business for the fifth day of the session. Allen had at last succeeded in having the Legislature designate a date when some action leading to a final settlement of all his accounts should take place. He believed that he had something

definite to which he might look forward. The Assembly and Council adjourned January 27.

The bill in the United States Congress to admit Vermont as the fourteenth State was passed February 12. By it Vermont was to become part of the United States on March 4, and was, until a census could be taken, to be represented by two Senators and two Representatives. When the census was taken during 1791, it gave Vermont a population of 85,533. With little respect for Governor Chittenden, Chipman did not notify him of the proceedings of Congress until three weeks after his return home. Washington had been President two years and the Federalist Party was making strong efforts in all the States to control the House of Representatives and the Senate.

While Vermont was giving her attention to joining the United States, a small cloud of war was gathering on her northern border. Patrick Conroy, justice of the peace for the district of Montreal and captain of militia for St. John's, who had driven Allen's surveyors out of Alburg, was now apprehensive that Vermont was going to exercise jurisdiction over British subjects residing in Vermont under the protection of the British post in that State. He wrote for instructions and Dorchester replied, January 17, stating he was

persuaded the State of Vermont as well as the United States have too much good sense to begin a war with Great Britain. They must be aware that we can dispossess and lay waste as fast as they and that an attempt at either upon the Posts themselves or to disturb the peace and possessions of the King's subjects within their protection, by acts of this nature cannot be otherwise considered than as a commencement of hostilities, and war must be repelled by war. . . . Yet . . . great prudence and moderation must be observed.<sup>1</sup>

In May, Governor Chittenden warned the citizens of Alburg to meet and choose a suitable person to represent Vermont in Congress. On June 16, Conroy sent a copy of Chittenden's warrant to Dorchester, stating, 'Hitherto no meeting called within the past by authority of the States has been allowed by Government.' Dorchester replied that

Subjects in the vicinity of Lake Champlain must be warned of the consequences of attending illegal meetings; all who do not acknow-

<sup>1</sup> *Canadian Archives*, Q-50-1, p. 113.



ledge the King's authority, are to remove to a considerable distance from the posts.<sup>1</sup>

Allen owned Alburg and wanted to take possession and invite settlers, but could not do so as long as a British fort dominated the town. His very moderate action, which entailed a pecuniary loss, was of great assistance to Secretary of State Jefferson in handling the delicate matter of inducing the British to evacuate all posts within the United States.

On July 1 a favorable report was made to the British Committee for Trade, recommending the opening of commerce between Canada and Vermont and removal by the British Government of the restrictions properly laid on foreign produce.

To facilitate that trade, it would be further necessary to cut a canal of about six miles from the top of the rapids of St Therese to Bason of Chambly. I do not suppose it would require more than three or four locks — the canal to be seven feet deep and fourteen feet wide. Large boats, would then be able to come from the farther end of Lake Champlain to Quebec without unloading, a distance of upwards of three hundred miles.<sup>2</sup>

This recommendation resulted from the efforts and influence of Ira Allen. No one in Vermont but he, as far as the records show, was making any effort to promote the foreign trade of the State.

Both Ethan and Ira Allen had many dealings with John Kelly, a lawyer in New York who owned and speculated in Vermont lands and who represented many influential men of New York. On January 28, Kelly gave Ira Allen in Bennington a statement of his account, claiming there was due him the sum of £953-15-0 New York currency; some £253 of this was due from Ethan Allen.<sup>3</sup> He requested Allen's note for this amount and offered to make it due one year from date and to take lumber delivered at Sorrel at specie value, in payment.

Levi was in the South disposing of the goods he had brought over from England. He wrote to his wife and Ira from Augusta, Georgia, on February 15, informing them that he was

<sup>1</sup> *Canadian Archives*, Q-51-2, p. 691.

<sup>2</sup> *Ibid.*, Q-57-1, p. 61.

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 145 B, Library of Congress and University of Vermont.

obliged to sail for Liverpool with a cargo before returning to Vermont. He requested Ira to pay his taxes and look after his interests and family. Many such demands were made on Allen. The finances involved were mostly small sums, but the aggregate was large. He rode down as far as Tinmouth, some seventy-five miles, where the Treasurer resided, and on March 19, received two hundred and twenty-two pounds from him to apply on money due from the State.<sup>1</sup> Two days after at Tinmouth he signed a contract which called for the erection of another forge with 'two fires' to be completed by the following December, paying the contractor fifteen pounds in advance.<sup>2</sup> The forge building was to be forty by fifty feet and two other buildings each thirty by forty feet for storing charcoal. Houses for the forge laborers were also to be built. On April 11, Allen sold some land to Benjamin Barnes, who was to pay for it by delivering in Burlington by the first of September, 1792, twenty-five thousand brick, and twenty-five thousand the following year. These brick may have been intended for the university, for he evidently had no doubt of its being established in Burlington. He was active in many lines, and in his business developments contracted many debts. His reputation as a rich man enabled those to whom he owed money to assign their claims on him as a means of paying their own debts. Those who accepted the claims often found that the parties who had assigned them owed Allen more than he owed them. Through his natural refusal to accept the assignment, ill feeling was created, followed sometimes by a lawsuit, which he usually won. These differences took his time and left the impression that he was not paying his debts.

Nathaniel Chipman represented a client with a case of this kind,<sup>2</sup> and it may have been the reason for his willingness in later years to keep Allen out of Vermont. Allen usually sold land under bond to pass the deed when the purchase price was received. Oftentimes the party buying would allow the land to be sold for taxes, and when he endeavored to redeem it he found that only Allen, the owner of record, could do so. Then he would write Allen for a power of attorney, and would often threaten suit on Allen's bond. One letter closed, 'Your

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 145 B, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, 158.

Humbl Servant, out of Patience, D. Stevens.' Another wrote, 'You will not fail to forward me the money due Witherbee as soon as may be; the service has been out for some time and he is waiting to have an opportunity to take me, damn him.'<sup>1</sup> Allen had sent this money due Witherbee by his brothers-in-law, Roger and Pascal Enos. Page, his attorney, wrote, June 20, that he had not seen them and the money must be sent again at once. This was not the only time that the Enos brothers retained Allen's money for their own use. About this time he received a letter from another nephew, John Finch, in New York. Finch had left Harvard and was starting upon a business career. He had been at Onion River and wrote that he had been insulted and cheated and his life endangered. This, if true, was another bit of activity on the part of the Enos brothers. Finch registered no complaint against his uncle, but from this time on he became a burden to Allen and caused him concern.

On May 16, Kelly wrote from Vergennes a pressing letter complaining that Allen had refused to give him security. 'I have waited for you about three years and a half without your having the smallest claim to my indulgence.' He wrote that he would not take payment in lumber delivered at any place but Sorrel, as it would not be safe. He feared that Fraser & Young, or other creditors of Allen in Quebec, would attach the lumber. If he did not hear favorably from Allen by June 4, he wrote, 'you must abide by the consequences.'<sup>2</sup> Debts were accumulating and Allen had no one to assist him in managing his extensive interests. He could not cease his efforts to keep his enterprises active, for to do so would bring an avalanche down upon him. The only way he could turn his lands into cash was to build up the country. He knew that he was worth in land many times his debts, and, if his creditors would hold off until a market could be created for it, the sale of ten or at most twenty per cent of his holdings would discharge all his indebtedness. So he struggled on, working early and late.

The election for Representative to Congress took place. Matthew Lyon was a candidate. He wrote Allen, July 28:

I have just returned from Rutland where the votes have been

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 164, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 161.



counted yesterday they stood for Lyon 598, for Israel Smith 513, for Isaac Tichenor 472, for Hitchcock 355 . . . there were so many blackguarded out of their opinion last time; a person of veracity who lives in Rutland told me he went to the meeting with a view to give me his vote, as did many more, that a large share of them were blackguarded and laughed at untill they turned about . . . it was held up to be so scandalous to vote for Lyon. . . . New overtures of friendship has been held out from several quarters, and altho the Chipman family is at the highest pitch of rage and madness against me in the business, one of them has ventured to point out his wishes to me in case of success . . . they talk largely of uniting the two parties [Tichenor and Smith] against me but they cannot effect it as they have nothing to give Tichenor for the sacrifice he must make [and they] have no idea of giving Smith up for him.

Lyon was 'piqued' at Hitchcock, but wrote, 'if you and he join with my friends in your quarter it will fix the business and leave me void of obligations to others that have or may make proposals.' He promised Allen, if he would assist him, that he would, 'win or loose,' give him his assistance in 'getting the appointment of Senator for General Enos.' He holds out to Allen that

there will be a good opportunity for slipping you into the Council again, let somebody give it a start over the Mountain. With regard to Genl. Enos the matter stood thus with me last Winter I had not felt quite satisfied about his conduct towards us when we had put him into office before, some personal reflections on myself about the time not quite erased, I had not thought of him before I saw him there and his particular friends did not think it worth while to apply to me on the subject. Bradley's did and, after I found Arnold declined, I declared for Bradley least Niles should get it, however I am willing to lay aside all those matters and pull very strong for him, your being in the Council would give strength to the business.

Lyon stated he had only written four other letters and

shall depend on your keeping this private at any rate. . . . This is the only application I shall make to Onion river I have not been well used there and shall give myself but very little further trouble about the business it can not now end to my dishonor and, as I have learned to bear disappointment, shall set down easy when it is over.<sup>1</sup>

Israel Smith, of Rutland, was elected and held the office until 1797, when Lyon was elected and held the office until 1801. Allen did not support Lyon, whose letter to Allen is

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 168, Library of Congress and University of Vermont.

given for its picture of the political situation in Vermont and also to make clear the difficulties in which Allen became involved during Lyon's term as a Vermont Representative in Congress.

Allen's private difficulties and business perplexities seldom loomed so large as to exclude all thought of Vermont and her welfare. On August 17, he joined with Thomas Chittenden in a letter to President Washington informing of the British threat to erect fortifications in New York, below the Canadian boundary,<sup>1</sup> and about the same time he wrote to Hugh Finlay, an influential Canadian, suggesting that the Vermont settlers be included in the Canadian Government's distribution of free seed, which he had heard was taking place. Finlay replied, August 31, that the Government was furnishing seed, but it must be grown in the Province and the grain sold to the Government, but that Allen's letter would be laid before the Council. He stated that Lord Dorchester had sailed for England on the 18th, and that any communication that Allen wished to make to him would be forwarded.<sup>2</sup>

The Council and Assembly met at Windsor on Thursday, October 13. Chittenden was again elected Governor. Allen was a member of the Assembly. On the Monday following, both the bill to appoint commissioners to settle all accounts with Allen and his memorial to establish a college at Burlington were read and ordered 'to lie on the table.' On the following day, Nathaniel Chipman, Paul Brigham, and Elisha Clarke were appointed commissioners to settle the accounts. Not a friendly committee to Allen, because it was dominated by Chipman. Tichenor appeared in the House the next day and informed that body that the Council could not concur in the bill appointing commissioners to settle Allen's accounts. When the House again took up the bill, Tichenor appeared and explained why the Council did not concur.

A number of documents were exhibited by General Allen; the House then rescinded from the resolution passing the bill — and Ordered, that the bill lie on the table. The House then appointed a committee to join a committee from the Council, to examine, on principles of equity, the claims of Gen. Allen, of every nature, against

<sup>1</sup> Allen's *Particulars of the Capture. Olive Branch* (1805), p. 375.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 175, Library of Congress and University of Vermont.

this State. Members chosen: Williams, [Rutland] Woodbridge [Vergennes] and Lynde [Williamstown] which committee were to state facts and report.

Mr. Arnold, from St. Johnsbury, was appointed by the Council to join this committee, which reported to the House on November 1. It was then moved that a committee be appointed to prepare a bill appointing a committee 'from this House to examine and adjust the accounts of General Ira Allen, and to complete a final settlement.' Williams (Rutland), Hall (Westminster), and Woodworth (Essex) were then appointed to prepare a bill appointing such commissioners. The following day the bill was brought in and it was

Resolved, That this House appoint some proper person an Agent to look up all accounts, vouchers, and checks, from the first existence of the State to this time, which yet remain unsettled, and lay the same before the Legislature of this State, at their next session, in order for a settlement. And that such Agent be directed, upon application of Genl. Allen, to deliver him a duplicate of such charges.

The House then appointed Isaac Tichenor as agent. This was entirely a political maneuver. The Federalists did not propose to let a committee appointed by the House make a final settlement. It indicates the intricacies of politics, for Allen had a majority when the vote was taken on his memorial to establish a university in Burlington. The appointment of Tichenor meant a disagreeable settlement if such possibly could be brought about. Soon after Tichenor's appointment,

— On motion of Mr. I. Allen, Resolved, That the first day of next session be assigned for the settlement of all accounts unsettled between this State and Ira Allen, Esq. and his claims to the townships of Woodbridge and Carthage, on principles of equity.

On November 3, the day of adjournment a resolution was passed directing the Treasurer to pay Ira Allen 'three hundred pounds lawful money, in hard-money orders of this State.' This was to apply on Allen's settlement one year hence.

The Committee on the claims of Genl. I. Allen, John Kelly, as Attorney to the hon. John Jay, and Samuel Avery, reported as follows. . . . Your committee to whom was referred the claim of Genl. Ira Allen, John Kelly, and Samuel Avery, to a tract of land . . . containing twenty three thousand and forty acres, having heard the evidence offered by said claimants, and duly weighed and considered



the same, do humbly report, That they find the said Allen has no colour of claim to said land.

They recommended that twelve thousand acres be chartered to Kelly, he to pay thirty pounds per thousand acres, which was about ten cents per acre; the balance to be chartered to Avery at about eight cents per acre. They also recommended that Avery be granted thirteen hundred and eighty acres 'free of fees.'<sup>1</sup> The report was referred to the next session of the Legislature. This put the matter off a year and did not please Kelly; he requested to be heard and was permitted to address the House. He stated:

That at Westminster, October 1789, a grant was made to Samuel Avery, of fifty two thousand acres of land, part of which grant still remains unsatisfied — and whereas application was made last January, on behalf of John Jay, Esquire — and whereas ten thousand acres, adjoining to Luke Knowlton's grant, was reported in his favor; but the acceptance prevented by Samuel Avery, in consideration of his said grant, which is prior to the application of Mr. Jay — It is therefore proposed by Mr. Kelly, as Attorney to Mr. Jay, that his petition and report be withdrawn, on account of the priority of claim, as Mr. Jay would not wish to deprive any man of his priority of rights, hoping that the Honorable House will grant to Mr. Jay 16,000 acres on any unlocated and ungranted lands in this State, he paying moderate granting fees therefor. Whereupon

Resolved, That in consequence of withdrawing the above petition in favor of Samuel Avery's prior claim, the said John Jay, or his Attorney, John Kelly, have liberty to locate 16,000 acres of land . . . and the Governor and Council are requested to issue charters . . . therefore to the said John Jay . . . they paying only a moderate granting fee therefor — it being a compensation for their losses in Middlesex.

The Governor and Council were directed to issue a charter to Avery for thirteen hundred and eighty acres free. Kelly paid nine hundred and three dollars (silver) for thirty thousand one hundred acres of land in Vermont on October 22.<sup>2</sup> So much of this is given to show the changed conditions in Vermont.

Avery was one of the most determined foes of Vermont in the early days; going as agent from Brattleborough, Halifax, and Guilford to the New York Legislature to urge enforcement of the laws of New York in Vermont. John Jay did his utmost to prevent Vermont from becoming a state. Luke

<sup>1</sup> Vermont, *Assembly Journal*, October, 1791, p. 49.

<sup>2</sup> Vermont, *Record of the Governor and Council* (Montpelier, 1878), vol. 4, p. 20.

Knowlton was granted ten thousand acres and was now in the Council, but, until 1780, was one of New York's staunchest friends, and soon after took pay from the British for giving them information and later fled to Canada. These were the men who were now able to secure favors, while Allen, who, in the past, had more than once blocked Avery's and Jay's schemes, and who had done more than any one else to make Vermont, was discredited.

This display of prejudiced opposition did not alter Allen's intention of establishing a university at Burlington, and on Monday, October 24,

On motion of Mr. I. Allen [it was] Resolved, that this House will join in Grand Committee this afternoon at 2 o'clock, for the purpose of taking under Consideration the establishment of a College within this state.

When the Council met with the House at two o'clock, Allen presented his memorial and offered to donate four thousand pounds if the college was located at Burlington. The joint session recommended the House to pass a bill to establish a college or university in this State 'at such place as they shall think most convenient and advantageous to the State, and beneficial to such establishment.' This recommendation was carried by a vote of fifty-four to forty-three, some twenty-eight members not voting. A committee was appointed to draw a bill and report the next day at the same hour. Allen had several friends on this committee, and the next day, October 25, the committee reported. When the grand committee proceeded to choose the location by vote, 'It appeared that eighty-nine members were in favor of Burlington' out of a total vote cast of one hundred and sixteen. There were one hundred and twenty-five members of the House and eleven Councillors. Allen had done his work well and had over twenty votes to spare for a majority if all had voted. Allen was chosen as one of the ten trustees for the university; and of the other nine (among whom were three clergymen) only one, Jonathan Hunt, was unfriendly to him. The bill to establish the university at Burlington was passed Wednesday, November 2.

Before adjourning, the Assembly voted to pay Levi Allen £23-10 hard money, about one half of his claim for services in Canada toward opening a free trade with Vermont. He

was back in England, still flirting with the British Government, which had not yet given up hopes of reducing the territorial boundaries of the United States. General Simcoe, Lieutenant-Governor of Upper Canada, was in favor of forcing the United States to consent to what he called a neutral zone, a long strip of land to be taken out of the border States between the United States and Canada; in other words, the territory then occupied by the British posts below the forty-fifth degree, north latitude.<sup>1</sup> His information regarding Vermont was obtained from Levi, who drew on his imagination to relate what even he was shrewd enough to observe would please his hearers.

Simcoe, to supplement what Levi Allen had told him and to give his own views to Government, wrote the following letter:

*August the 2d 1791*

*Right Honorable Henry Dundas*  
*one of his Majesty's principal Secretary's of State*

SIR,

As I understand from Mr Levi Allen of Vermont that He is in expectation of being admitted to an interview with you, I conceive that it will not be disagreeable to you if I take the Liberty of communicating to you those circumstances with which I have been acquainted relative to his former transactions with Lord Grenville; and some few observations which I flatter myself may give you some insight into his views, preparatory to such conversation as you shall think proper to hold with him.—

Mr Allen as Commissioned under the great Seal of Vermont presented a Memorial to the Committee of Privy Council on the 13th of June 1789, stating the wishes of Vermont to form a commercial intercourse with this Country, a similar memorial having been presented to the Secretary of State upon L<sup>d</sup> Grenvilles Requisition. The Lords of the Committee of the Privy Council for trade, made a report upon it, full of information on the 17<sup>th</sup> of April 1790: a twelvemonth having nearly elapsed since the original Report had been presented. In the *first* conversation that I had the honor to hold with L<sup>d</sup> Grenville on Canadian matters, I took the Liberty of pressing upon his Lordship the necessity of cultivating the good Disposition of Vermont, of whose importance his Lordship seemed to have formed a just value by having already transmitted Allen's Letter for the Opinion of the Privy Council; & I then told his Lordship that totally unapprized of the goodness He had to think of me for the Government of Upper Canada, & unconnected with his Majesty's Ministers, I had come to town with the determination to do my utmost in support of an Ob-

<sup>1</sup> *Canadian Archives*, Q-52, p. 206.



ject which seemed to have been hitherto unattended to (insomuch that Allen was about to depart) but which I had always considered of the greatest Consequence to this Country.— The appearance of the Spanish War added to the Propriety of forming this mutual connection; & I waited on L<sup>d</sup> Grenville with M<sup>r</sup> Allen — his Lordship gave him an hundred pounds, which Allen received as his annual compensation for Losses as a *Loyalist*, which He affirms himself *uniformly* to have been, & in consequence to have suffered a long Imprisonment & the destruction of his property.

The Misfortunes of the British Army to the Southward prevented Vermont from joining Great Britain as is evident from the Correspondence in Your Office between the Allens, Gen<sup>l</sup> Haldimand & S<sup>t</sup> H. Clinton.

This Province has now two Separate Interests; That part which borders on the North River naturally wishes for a connection with New York, [Moses] Robinson the late Governor is the Chief of this description of Men: The other, by far the Larger Division, & what is of more importance, unlimited in its Lands, & therefore hourly encreasing in its population, from the circumstance of their Waters flowing into the S<sup>t</sup> Lawrence is naturally disposed to a connection with Canada; of this party, are the Allens & Chittenden, at this moment (as L. Allen believes) The Governor; & who the last year excepted has been the Governor of this powerful State from its commencement. Levi Allen's first mission was to Lord Dorchester; his Lordship opened the Trade to Vermont, except in some few particulars, at the same time he did so, to all the Inhabitants *without distinction* who lived upon the Shores of the Lakes.

Levi Allen came to London; He wished the Trade to be further enlarged, & some inconveniences under which it laboured to be done away. He told me that commerce was the 'opening Wedge' by which Great Britain could work upon & command Vermont; & in the Spirit of the expression, & with undissembled Intentions fully as ambitious in the point of honor, as they were self interested in that of Commerce, He was anxious to return to Vermont directly, unconnected with the Canada Merchants, & *independent* of them, with a cargo suited to the market, that He might make a display of his Services, & of the Commercial Advantages that He had obtained & might strengthen by these means his Family interest & Connections, & prevent Vermont from listening to the overtures of Congress.

Among others, I gave him some credit & procured him more, but his Voyage was delayed by his hands being pressed, & other mishaps; so that He could not reach The Sorrel; but bore away for Georgia. He is returned with a sufficient cargo to pay his debts, but unfortunately, at present there being little Vent for that commodity He has been obliged, to warehouse it at Liverpool.

I think it proper to submit This succinct account to you; to which I add that I have an opinion of his Honesty: & that I have no doubt, but that his Brother Ira Allen (Ethan being dead) is of the same Sentiments that I believed him to have been of during the War.

‘That a Neutrality was the proper policy of Vermont, but that if she could not preserve it her interest [would] lead her to join Canada.’

Since Levi Allen’s Absence an Alteration has taken place in the Affairs of Vermont, Chittenden suddenly lost his election, & Robinson, was chosen Governor; & it is affirmed that Vermont has joined Congress. Allen says, that it was by Surprize & accident, that Robinson obtained the Government, that Chittenden is now re-chosen, & that He *believes* Congress has resolved to admit Vermont into the Confederation, but that Vermont has not yet decisively resolved to join Congress. This seems to be matter of conjecture, Tho not without probability; perhaps Government may have better information on this head. Allen states, That the meeting of the Assembly of Vermont is in October, That He wishes to be present at it, altho’ he should fail in what seems to be the great Object of his Ambition, The being able by a Cargo, directly imported from this Country, to exemplify the advantages of a commercial Intercourse.

By the Admission of Vermont & Kentucky There are now fifteen States in the Alliance, & I beg leave to offer a few remarks why in my opinion a connection with each of these new States, is more necessary & profitable to Great Britain than with any other separate State of the whole Confederacy. The original United States passed the Zenith of their power, almost, at the moment of their existence. This was effected partly by the British Acts of Parliament which restricted their West India Trade, but chiefly by the immense Emigrations which took place to the Southward, wasting their Strength at the present, & offering at no very distant period natural Allies to those who shall command the Mouth of the Mississippi, or be in possession of the Chain of Lakes which stretch themselves out parallel to the Line of present or future Emigrations.

Vermont has grown & is daily growing into great Strength, her position in the Neighbourhood of Quebec leaves that Province absolutely at her Mercy. She can strike at the ill fortified Capital, or cut off all the communications of the St Lawrence, as she pleases, on the other Hand, in Alliance with Canada, she presents a formidable Barrier of Mountains, which are impregnable fences against the United States.

Kentucky has not so many advantages in a military view for offence or defence, but in case of a rupture with Spain her Alliance would be of the utmost Importance.

The Committee of the Privy Council in their Report of April the 17<sup>th</sup> 1790 state, that the Eastern States of America wish to admit Vermont, & the Southern States Kentucky, into the Confederation as reciprocal Balances.

The United States are certainly divided in Interest, & the British Connection with them Stands upon that footing, which requires great Circumspection. The Commerce of the Southern States is an *immediate* advantage; The power of the Eastern an Object of *future* apprehension & Caution. Vermont & Kentucky have certainly *seperate* & distinct *interests* from either; with the Southern States,



they Cannot export their Commodities by means of the Atlantic; nor with the Eastern can they be injured by the carrying Trade being in the possession of Great Britain.

It is upon the ground of these *separate* Interests (even supposing M<sup>r</sup> Levi Allen's Ideas that Vermont has not finally joined Congress to be ill-founded) That I humbly conceive He may yet be of important Service; & Sir, I have intimated as much to him. I do not conceive it to be probable That Vermont can have submitted to participate in the present Debt of the United States, but it is reasonable to presume that in case of her admission into the Alliance, She may have agreed to pay a certain portion to the Expenses of the federal Government now. It is of the Utmost Importance to Great Britain that she should not upon any account suffer imposts to be laid upon British Manufactures, or permit duties arising from them to be collected on her *Lakes* or *Rivers* for the Use of Congress. The result of such a determination on the part of Vermont would be, that she would become the Storehouse for smuggling all British Commodities into the Eastern States, facilitated by the Speedy means of transporting them in the Winter over the Snow upon Sleighs, & by this very traffic, Vermont would gradually alienate herself from the governing Powers of the Congress, & rivet more strongly her natural connection with Canada. I also intimated to M<sup>r</sup> Allen, that as the United States are divided in their Sentiments upon commercial matters into two Parties, the Representatives of Vermont must give her decided *Voice* with the *Southern States* who are against laying any duties & further Imposts on the British Commerce, as Great Britain tho' she should have the utmost regard for Vermont now that State has joined the Alliance cannot probably make any distinction if she shall be obliged in her own defence to retaliate by duties & prohibitions —

These points, at the least, I should think the Allens &c &c might carry; & the Voice of Vermont be directed by its own Interest & that of Great Britain against the general opinion of the Eastern States.

The example would have great Influence on that Connection which It is hoped We shall obtain with Kentucky, (The Majority of whose Inhabitants, I have authentic Intelligence are averse to the Union with Congress) & not only so, but on all those Settlers on the Rivers which flow into the Lakes, & who may be taught to reject as unconstitutional & oppressive every Idea of such federal duties being levied upon them as are raised on the Inhabitants of the Sea Coasts—

M<sup>r</sup> Allen does not know how far the Government of Canada has been directed to accede to his former requisition; nor does he press them. He seems inclined to wish them to be reserved as a Boon to cement that Connection which is his favorite Object.

I have thus, Sir, endeavoured to state to you the views of Allen; & I must beg of you not to be prepossessed against him from his uncultivated appearance. The Family are remarkable for their sound Sense, & Spirit of Enterprize; & the prejudices which have been ex-



cited against them principally rose from the Misrepresentations of the N. Yorkers. I have endeavoured to explain Allen's Commercial Object & the publick advantages to which it may lead. — He has lately received his pension: He would not be too late even now, for the Sorrel with Merchandize, but He cannot afford to risk the demurrage of the Vessel — I submit to you whether an advance upon his Pension or some other means, might not be of essential Service in enabling him to carry his Points, & appear with consequence among his Country men at a critical Period? I have not intimated in the *Slightest manner* any such Idea to him. Yet, as I can never but be of opinion that Great Britain is not for a moment Secure of Canada, in its present Weakness, unless she has firm friendship with Vermont, I am sure that you will have the goodness to pardon my Zeal in seizing every means to promote the great Cause in which my whole Heart is engaged; & on this principle, will read with a favorable Eye the Circumstances & Opinions which I have felt it my duty with all deference to submit to your Consideration, being with true Respect,

Sir,

Your most Ob<sup>t</sup>  
& most Humble S<sup>t</sup>

J. G. SIMCOE <sup>1</sup>

During his stay in London, Levi had made the acquaintance of the Reverend Samuel Peters, who had been a clergyman in Connecticut when the Revolution started in 1775. Obligated to flee to England, he was now anxious to return to America, and he coveted the appointment of Bishop to Vermont. His evident thought was that Levi could aid in this ambition and to this end he assisted Levi in London, in one instance drafting Levi's letter to Dundas, August 7, 1791, and another, honoring a draft in his favor. The letter to Dundas shows the character of Levi's maneuvers and the paragraph respecting the Established Church in Vermont is especially amusing in view of the real author of the letter:

SIR:

When I left Vermont in Jan'y, 1789, the principal men of Governor Chittenden's and Allen's party, instructed me in addition to the business of the commercial Treaty, expressed in the Commission I was honour'd with from Vermont, [He had no commission to England] to assure the British Court that Vermont was truly from local situation as well as inclination firmly attached to them, and that whenever Vermont should find it necessary to join Great Britain or Congress, they would positively join the former. Indeed Vermont at that time, viz, (the principal men of Chittenden's and Allen's party,) was clear for joining Great Britain immediately; in order to which

<sup>1</sup> *Canadian Archives*, Q-278, pp. 259, 270.

my brother (Ethan Allen since deceased) with my surviving brother, Ira Allen and myself, waited on Lord Dorchester at Quebec for about two months previous to my departure for England, and gave him a written proposal for that purpose.

After my arrival in London, more than twelve months passed without the least probability of success; of which I informed my brother, Ira, with much reluctance, after receiving several letters from him full of complaints for my unpardonable neglect in not acquainting him with what was doing and what probability there was of anything being done at the British Court. A short time after, just as I was preparing to embark for America, Col. Simcoe took me by the hand and brought forward the business of Vermont in a very satisfactory manner, of which I lost no time in acquainting Governor Chittenden, and Ira Allen, at the same time acquainting them I should set off for Liverpool in a few weeks to charter and load a ship with all possible dispatch for William Henry, and they would not fail to have a proper cargo prepar'd at said William Henry, for the English market on the ships arrival. Many unavoidable procrastinations took place in the course of the chartering and loading the ships at Liverpool, amongst which the obstructions thrown in my way, by the merchants in this country, who supply Canada, were not the least; our seamen were impressed, and a second crew mostly ran away; the latter was owing to some imprudence of the Captain. Then contrary winds prevented getting out of the harbour for a long time, and to complete the unfortunate scene, was drove by a heavy gale of wind from the banks of New foundland in sight of the Azores or Western Islands, neither the Captain or mates had ever been up the St. Lawrence and all appeared much afraid to venture, and as a clause in the charter party left it optional with the Capt. to stop at Quebec if he found it unsafe to proceed to William Henry, the Capt. being an obstinate timmed man, declair'd if I insisted on his again attempting the St. Lawrence, he positively would go no farther than Quebec, which would by no means answer my purpose, and the wind still continuing unfavourable, we stood for Georgia. After arrival, I wrote Governor Chittenden and Ira Allen, the misfortune met with and that I should pay them a visit as soon as the ship was loaded for England, but having to dispose of and purchase a cargo in a place where I had little acquaintance and less friends, and none I could depend on, the Captain proving to be an obstinate, ignorant, miserly brute, I deemed it improper to intrust him with the cargo, a dispute arising about demurrage which could not be settled with him, and some bills I had been favored with leave to draw in England, would shortly become due, and my credit forever ruined, as a *merchant* or a man of *honour*, if the same was not punctually paid. In this disagreeable situation, I again wrote Gov'r Chittenden and my brother, and returned in the ship. Having previously taken two long tours into the back woods of Georgia to see Gen'l. Clarke, he being absent the first, for the particulars of which I refer to Col. Simcoe who has s'd Clarke's letter. I shall always be doubly happy to serve this country, for in so

doing, I shall serve Vermont, whose interests on a proper establishment will be forever mutual, and of course permanent. The Rulers and inhabitants of Canada and Vermont ought to keep up a friendly connection, and I am sorry to have occasion to observe it is not the case at present, through some little foolish prejudices that exist between them. Soon after my leaving Vermont my brother Ethan Allen died, and before the end of the year, through the private intrigues of Congress and New York and by means of two hundred and thirty votes of Chittenden's party not arriving in time, the opposition very unexpectedly to Chittenden's *friends*, got Mr. Robinson in Governor, which the other and far the strongest party had not the least suspicion of. Chittenden had been Governor and chosen annually from the commencement of the State to that day. During Robinson's reign, overtures were made to Federal Congress, to admit Vermont into a Federal Union.

In October, 1790, Chittenden was again elected Governor by a large majority votes; Congress finding their friend Robinson was out of office and that Vermont was negotiating as a sovereign State a Commercial Treaty, with Great Britain in Jan'y, 1791, passed a decree allowing Vermont to join the Union and send three members to Congress and at the same time giving the same liberty to Kentucky, and probably, for similar reasons, and immediately after passed a decree to establish a custom house on Lake Champlain at 45 N. Lat. for the purpose of making the Vermonters pay the same duties for goods thro' Canada, as those that come up the waters of the Hudson River; which custom house soon after built will probably suffer desolution by accidental fire, as there are many very careless people in Vermont, who often set the woods on fire to facilitate catching their game. Since the passing the aforesaid decrees, in Congress, there hath been no stated session of the General Assembly in Vermont (nor any special one called that I have any information of). That being the case, it is impossible that Vermont hath joined the federal Union, nor can (if so disposed) till the meeting of the General Assembly, which will be on the second Tuesday of October next, before which time I will be there (the king of terrors only shall prevent) and make no doubt, but the profer of Congress will be rejected by the Legislature of Vermont. Vermont have annually for many years past, chosen three representatives for Congress, but they never attended. As to the proclamation given out by Governor Chittenden to the inhabitants of Alburg, to convene for the purposes of choosing Town Officers, etc., it is a matter that the law directs (on) organizing a new town, which is the case with Alburg; as to that part which mentions to choose some proper person to represent them in Congress, I cannot positively say what necessity there was for it, but it may be a word of form used on those occasions, as all the organized parts of Vermont have for some time and still do vote for members of Congress, as before observed. Whatever is done or doing in Vermont, I shall give you the minutest information of, after my arrival there, and if matters work as I firmly believe, and most sincerely wish, for



the good of Great Britain, Canada and Vermont, shall probably be here again in a very short time, and be able to silence the little invectives privately and illiberally thrown out against Vermont.

I will venture to say, the people of Vermont have not the most distant idea of allowing the State of New York to hold the lands lying between Lake Champlain and Ontario, as those lands were included in the Grant made to New Hampshire, more than a century ago, and Vermont holds by purchase and agreement, all that part of New Hampshire, lying west of Connecticut River. As there is a considerable party in Vermont who strictly adhere to the principles and doctrines of the Church of England, I could politically as well as religiously wish they may be encouraged, and if Government send out a Bishop to Canada, he may have liberty to exercise his ecclesiastic function in Vermont, and if he be an unbigoted sociable man, he may assist the cement necessary between Canada and Vermont and I have reason to believe the latter will appropriate lands for his support as they have 360 acres in every six miles square in Vermont already granted to the Glebe of the Church of England, and the same quantity to the society for propagation of the Gospel in foreign parts.

Thus much on the supposition that Vermont have not joined the Federal Union, and as to the other supposition, that they have joined, there is little probability of it, I do not choose to intrude on your time by writing on so disagreeable and improbable a subject.

You shall hear from me the truth, the first opportunity after my arrival in Vermont.

I have the honour to subscribe myself, in behalf of Vermont, Sir, your most obedient and most humble servant,<sup>1</sup>

L. ALLEN

No. 9

BRIDGE ROW, BEAR

RANELAIGH, *Aug't 7th*, 1791

THE RIGHT HON<sup>BLE</sup> H. DUNDAS,

One of His Majesty's principal Sec'y's of State

Levi celebrated his arrival in the United States by receiving one hundred pounds on the draft he drew on Dr. Peters, and the Reverend Doctor promptly made the obvious move by writing to Grenville. By this letter he hoped for advancement toward his Vermont goal, or, at least, reimbursement for his financial outlay.

PIMLICO, *November 19th* 1791

MY LORD:

Last evening I received a letter from Levi Allen, Esq., dated at Boston, New England, the 15th of October, 1791, which says, 'This day at 12 o'clock at noon, I arrived here in a small sloop from Halifax and tomorrow morning, I shall set off on horseback to execute the business I have much at heart.' Mr. Allen adds: 'I was — charged

<sup>1</sup> *American Historical Review*, vol. 21, pp. 555-58.

four guineas duty at Falmouth and twenty eight guineas for my passage in the Grantham Packet to Halifax, which with the other expenses on the road from London to Falmouth and from Halifax to Boston, exhausted nearly all my cash, whereupon I called upon Dr. A. A. Peters, of this Town and gave him the signal of *Lewis Alden* and the Dr. advanced me one hundred pounds Sterling for *Lewis Alden's* bill on you. If I carry the two points in full expectation, I shall not mind my expenses and labours.'

By various letters from the States of America, I have information that emigration and discontent still prevail and my friends wish to know by next January whether I am to go out Bishop of Canada, as February and March are the months for moving their families on the snow and ice.

My Lord,

I am with honour and esteem,

Your Lordship's most obedient and most humble servant,<sup>1</sup>

SAMUEL PETERS

RIGHT HON<sup>BLE</sup> LORD GRENVILLE

Levi's disappointment when he found Vermont had actually joined the United States is best told in his letter to Governor Simcoe:

VERMONT ONION RIVER

Novem<sup>r</sup> 19, 1791

I arrived in Halifax in 27 days, the next morning sailed for Boston, arrived there the sixth day, and the third day reached Windsor in Vermont, the place of the annual Session of the General Assembly, a few days after they had convened; [Assembly convened October 13] and to my great mortification found there had been an adjourned Session of the General Assembly held about Six Months previous, to the then stated term, and that previous thereto there had been a convention of deputies from each Town, at which Convention, & after confirmed in the adjourned Session of the Legislature, the junction with the United States had been fully compleated — I remained at the Gen<sup>l</sup> Assembly until the close of it (Twenty one days) during which time found, if the Junction aforesaid had not been fully compleated, the same might have been prevented; but recollecting M<sup>r</sup> Nepean directed me in Case the Junction was actually settled, by no means to interfere; yet I could not but talk occasionally on the Subject and set forth in Strong Vermont Language, the great advantages that would have accrued to Vermont, had they remained as they were: *The Truth* of which was acknowledged by a great Majority of both Houses, & almost all condemned the measure as premature, alleging that if they in future found a necessity of joining Congress, it was time enough to join when that necessity appeared, & that they felt themselves much hurt that a set of designing Knaves merely to obtain places of Honour & Profit, should lead the State by the nose

<sup>1</sup> *American Historical Review*, vol. 21, p. 559.

blindfold to perpetrate an act to the disgrace of the Legislature, Subversive of the Interest of the State, & for which Posterity would have cause to curse them. Further, I beg leave to observe my whole dependence was, and I certainly knew the Legislature of Vermont met only the 2<sup>d</sup> Thursday in October annually, as by Law established, except by adjournment or a Special Assembly, on some emergency called by Proclamation of the Governor for the time being, with advice of Council, and I am amazed that the Secretary of State nor any one in England had no Information of the Convention, or adjourned Session of the General Assembly in Vermont, tho' both had been Convened Six Months before I left England.

I am fully satisfied if I had arrived last year with the well chosen assortment of Goods agreeable to the original plan, Vermont would not have joined the Union, at least would have been procrastinated, which would have amounted to the same thing, for if the matter had not been done at the time & in the manner it was, hurried on, the same would not have taken place ad infinitum; The goods coming thro' Canada directly from the Manufacturers in England and sold cheap in Vermont would have opened the Eyes of the people, more than all the wise learned men of Europe would have done by Logical Orations. The facts were General Ethan Allen being dead, Ira Allen Esq<sup>r</sup> thro' his cursed lucrative Ideas was afraid of losing Lands adjoining Canada line, Therefore was silent, a number wanted to go to Congress, & tho' four only would be sent yet 44 at least expected the appointment, all their Influence & *oratory* was not sparingly scattered over the State: Governor Chittenden tho' really opposed to the measure, thought it unpopular to oppose it, so poor Vermont had not one of any Considerable consequence to say a word for her real Interest. (in popular Governments a Governor is a Cypher) I am grievously disappointed, & shockingly mortified, that after so many of the leading and truly the first Men in & out of Office in the State, should previous to my going to England, give me such strong assurances, they never would join Congress; but on the Contrary would wish to become a British Province; and then without the least appearance of any necessity whatever, suffer the junctions to take place, without the least opposition. Instead of writing this long letter, under my disappointment I should set off for Quebec in order to have a Personal Interview, but your Orders to me in England were to the contrary, which Orders as well as any other I may receive from time to time, shall be punctually attended to, the same as tho' I was on Military duty under your immediate Command —

Endorsed: In Lt Gov<sup>r</sup> Simcoe's (N<sup>o</sup> 4) of 16<sup>th</sup> Feby 1792.

Levi's references to Ira Allen being afraid of losing his lands, referred to the claim of Colonel Caldwell, of Canada, to the town of Alburg, which at this time was being held by the military post located near Alburg.

During the year, Ira Allen bought and sold lands and con-



ducted his extensive lumber and mill operations. On October 3, he sold to Governor Chittenden and General Spafford land in Williston for thirty-six hundred pounds. He found it difficult to meet all of his obligations and those of the estates of his deceased brothers. He was 'land poor,' and the burden of taxes and other charges was heavy. Old settlers who were elected or appointed to an office usually asked Allen to go on their bonds and he seldom refused. Years later when Allen was in trouble, many of those he had thus befriended displayed kindness to him.

Throughout Vermont party political zeal almost outran itself. The determined spirit and individual independence of the Vermonters, missing now the New York controversies and the Revolutionary War, exercised themselves upon the subjects and measures in dispute between Federalists and Republicans.

In this year of 1791 and at the age of forty, Ira Allen saw success crown his long efforts to accomplish two great and important achievements: the entrance of Vermont into the Federal Union of the States and the founding of a State University at Burlington, the city which he had created.

## CHAPTER XX

### THE UNIVERSITY — ALBURG DISPUTE — TREASURER'S ACCOUNTS

1792

IRA ALLEN's political career closed with the year 1791, when Vermont surrendered her independence. He attended as a member of the Legislature for the last time but one, during the year, 1792, but took almost no part in its proceedings except such as pertained to the settlement of his own accounts with the State. His life up to this point had been that of a statesman; it now entered its commercial and romantic period. Few men made a more determined struggle against the generally difficult business conditions which prevailed during the next twenty years.

He began the year by sending a memorial to the Governor and Legislature of New York in January, petitioning for a grant of a township ten miles square in Clinton County, New York, for the University of Vermont, which, 'being established on the East Bank of Lake Champlain,' would be 'equally convenient to the Northern Part of the State of New York as to Vermont.' It recited that, previous to establishing a university of her own, Vermont had 'granted a township to the corporation of Dartmouth College situated on the East Bank of Connecticut River'; and that the Legislature of Vermont, having granted their own lands, had it not in their power to grant a township to their own university; that, taken 'from the width and extent of the government of New York, one township will scarcely be perceived, but when added to the funds of this Infant Institution may make it so respectable that Children yet unborn will bless the Donors.' Governor Chittenden, being by law the head of the university, at the request of Allen, also requested Governor Clinton to contribute and, if there was vacant land, to donate a township.<sup>1</sup> These requests were presented and favorably reported on in the New York Legislature, but action was deferred.<sup>2</sup>

<sup>1</sup> *Clinton Letters*, MSS., Pennsylvania Historical Society.

<sup>2</sup> Professor Goodrich, University of Vermont, *Centennial Address*, p. 37.

Allen in January was preparing to build a larger forge than any he had before constructed. He sent John Stevens to Connecticut to obtain the hammer, bellows, and other parts; also to collect money due in Connecticut and western Massachusetts. Allen had sent spruce gum down to Connecticut for sale, a new enterprise he was endeavoring to start; six hundred pounds was sent to New York City. Stevens wrote from Canaan, Connecticut, January 29, that it was 'hard to collect any debts, cash scarce,' and that he could not sell much spruce gum until spring. He sent the articles wanted for the forge and wrote that his nephew, 'a good sadler,' is going up to Burlington; also one Linus Allen, a blacksmith, and they may locate there.<sup>1</sup>

In furtherance of the university development, Allen had written to James Savage, in New York, of the location of the State University at Burlington, desiring him to secure contributions; he also requested him to endeavor to borrow some money, offering lands as security. Savage replied, February 3, congratulating Allen on securing the university and writing, 'I shall at all times be happy to render you any service in my power, but the moneyed men here are so infatuated with the ideas of Banking, Scriping and Speculating that there is no such thing as borrowing money on any terms whatsoever.' He doubted if money could be borrowed in New York on the best lands in the State at forty per cent interest; but, if Allen would sell a township at a moderate price, he might effect a sale. 'There is such large quantities of land offered in this state at present of an excellent quality and indisputable title that purchasers here are very timid and cautious with respect to purchase in Vermont.' He informed Allen of a contractor who would like to construct the university building.<sup>2</sup>

On February 16, the Allens' second son was born; Zimri Enos Allen. Mrs. Allen was so ill her life was despaired of and her husband was with her constantly; his most pressing business had to wait. He wrote to Levi for some very good wine which they must have at once, as none was obtainable 'in these parts, . . . little Heman and my son are also sick.' On the 24th of February, Mr. T. S. De Montemollin, of Quebec

<sup>1</sup> Wilbur Photostats, Library of Congress; also University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 202, Library of Congress and University of Vermont.



arrived in Burlington. Allen had owed him money for goods for some four years. Not being able to see Allen, he called on Mr. Hitchcock in Burlington and wrote him from there that 'Major Hitchcock informs me the delay is occasioned by Mrs. Allen's illness.' He expressed sorrow for 'his lady,' but insisted upon a settlement at once.<sup>1</sup>

Allen's finances were becoming strained and John Kelly wrote him from New York, on February 8:

From a perfect knowledge of the deranged situation of your finances and other existing circumstances, it is extremely probable that you will ere long be exceedingly perplexed and hampered with a multiplicity of suits in the Federal Court.

He advised Allen to sell his 'Outlands, Williamsburg, St. Andrews and Coventry.' He informed him, too, that General Enos (whom Allen had sent to New York) had been unable to sell any land because he is offering 'rights' and not 'tracts.' This report confirmed Savage's statement. Kelly's advice to Allen was good; indicating that the latter had extended his business and, in the opinion of an able lawyer, was likely to get into difficulties. Whatever efforts were made in New York to sell lands, they were not successful. Allen did use every effort to dispose of lands at home and succeeded in selling many small farms, but received wheat and cattle instead of cash in payment. He leased one farm for two years for its improvement, the rent being 'one ear of Indian Corn yearly.' One demand that came at this time must have been hard to refuse; from the Quaker Burling from whom he had purchased Burlington many years before:

NEW YORK 2 M<sup>o</sup> 17<sup>th</sup> 1792

FRIEND IRA ALLEN:

I have thy note of hand which is dated 1789 7 M<sup>o</sup> 10 the amt. of said note being sixty four pounds, nineteen shillings & 6<sup>d</sup> it is now two years and an half or more. I would be obliged to thee if thou would forward me the amt. of said note with the interest from the date thereof which thou will cast it being at 6 per cent & is in York Currency which will oblige thy friend,

WILLIAM BURLING <sup>2</sup>

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 150, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*

On March 12, Allen drafted and signed the contract and specifications for a large new anchor shop and forge in Colchester. His knowledge of details in matters of this kind was extensive. The cost was to be four hundred and sixty pounds and he was to furnish nearly all of the materials.<sup>1</sup> The next day he contracted for a forge house, fifty by forty feet to be built in Shelburne; payment to be made in wheat, at his mill, and neat cattle. People from in and out the State were writing numerous letters asking his advice about lands in all parts of the State, their valuation, and whether the taxes were paid. His familiarity with all locations is well shown in his replies.<sup>2</sup> In April, he sold rafts of logs, ready for the Quebec market, to John Thorp for three hundred and fifty pounds. Thorp agreed to pay the money before July 1, to Cull, Fraser & Young of Quebec. He also sold Thorp white pine plank two and one half inches thick for forty shillings a thousand feet; the plank to be delivered at head of St. John's rapids and the money to be paid to Fraser & Young.<sup>3</sup> April 6, he contracted for his flume, at the forge building in Shelburne, he to furnish boards, logs, irons, nails, and brick and leather for the chimneys as well as bellows; also, 'two barrels of pork and 20 Gals. of Rum.' Such a contract seems to leave little for the party of the second part to furnish except labor. Some lands Allen sold for shingles, so impossible it was to do business for cash; and the workmen employed in building his many mills had to be supplied with rum, pork, flour, butter, and milk. If he had not carried on these many enterprises and been able to take and make payment in commodities, he would have had to sacrifice his lands at a very low price, to support his family. He had some three per cent stock, which he sent to New York by General Enos, who sold it for 10s. 1d. in the pound. Udny Hay, a lawyer whom Allen had sent to New York, wrote on June 23:

I can not at present, sell any of your lands, our hovering between war and peace is exceedingly against the market. None of you creditors will agree to take 3% stock at a certain fixt price. They have been worth however for a long time past, from 9/6 to 10/6. You may regulate yourself in some measure by this. I have spoken to Governor Clinton about the donation of lands from this state, to

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 213, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, Wilbur Photostats, No. 216.

the University at Burlington. He is well inclined towards the donation, but of this more particularly at meeting.<sup>1</sup>

Allen's anxiety to pay his debts led him to sell lands with the agreement that, when the second payment was made in cattle, the price of the land as well as the cattle should be fixed by Governor Thomas Chittenden and Jonathan Spafford. When cattle were accepted in payment, a yoke of oxen usually were appraised at 10 pounds (about thirty-three dollars), two cows and a horse in one trade were taken for twenty-five pounds (eighty-two dollars). Young Heman Allen, although only thirteen years of age, began his business education by witnessing many of his Uncle Ira's contracts during this year.

In 1792, Allen's Alburg holdings became the center of an international difficulty which, fortunately, was handled with diplomatic skill.

In 1744, the King of France granted the township now called Alburg to Francis Focault. After the conquest Great Britain confirmed the grant. The title had passed through General Haldimand to John Caldwell — a British subject. In 1792, many settlers were in possession either by deeds or leases from Caldwell. The line of latitude between the Colonies and Canada was established by the French as forty-five degrees north, and this was agreed upon in 1766 between Sir Henry Moore, British Governor of the Province of New York, and Sir Guy Carleton [now Lord Dorchester], acting Governor of Canada. In the treaty of 1783 this was the line agreed upon between the United States and Great Britain. Alburg was chartered to Ira Allen by Vermont February 23, 1781, but the British had garrisoned two posts near it in the United States, by which they controlled the situation. Caldwell wrote Governor Chittenden in 1785 that he had met Colonel Ira Allen and discussed the matter with him, and Allen assured him that, if the State of Vermont would grant him other lands (which Caldwell requested Vermont to do), Allen would relinquish his title to Alburg. Chittenden presented this to the Assembly, but they declined to act. In May, 1792, Chittenden had called on the citizens of Alburg, undoubtedly at the request of Allen, to organize the township and hold an election June 7; and in this same month (May) a

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 236, Library of Congress and University of Vermont.



deputy sheriff of the County of Chittenden, while performing his duty, was seized by British soldiers and carried a prisoner to St. John's. Governor Chittenden, June 16, wrote to the Governor of Canada for an explanation,<sup>1</sup> and sent his letter to Levi Allen to deliver and report. He also wrote to President Washington on the same date. The correspondence with the Canadian Governor was forwarded to Washington,<sup>2</sup> and Jefferson, then Secretary of State, wrote Chittenden he was negotiating and trusted nothing would be done to 'disturb the peaceable and friendly discussion now in hand.'

When the matter was referred to the Assembly in October, Governor Chittenden's course was approved, and it was suggested that he secure and forward to Jefferson affidavits to prove that the British had no right to occupy Alburg. Allen conducted this affair through Chittenden in a quiet but effective manner, and aroused the spirit of ferment in Alburg to the extent that the populace seemed ready to go to war with Great Britain if necessary.

Samuel Williams, at work on his history of Vermont (published in 1794), wrote to Allen for information about the early struggles in forming the State, and 'if it was proper for him to see them' he would like to look over his papers in the Haldimand negotiation. He promised that he would only make such public use of them as Allen approved. This letter, written July 11,<sup>3</sup> promised to return them in October. Much of the information about Vermont in Williams's history, he obtained from Ira Allen.

The Quebec firm of De Montemollin had been unable to collect their debt against Allen and either with the intention of frightening him or, instigated by his political enemies, attacked him in a broadside circulated just before the fall election. Later the attack was published in an extra issued by the *Vermont Gazette* of Bennington<sup>4</sup> with this comment:

Letter from S. & F. De Montemollin — The late dispute between the subscribers, General Allen and Stephen Pearl, having made some talk, it is hoped that the candor of the community will extend so far

<sup>1</sup> *Vermont State Papers* (Montpelier), MSS., vol. 24, pp. 48-52.

<sup>2</sup> *Ibid.*, p. 56.

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.

<sup>4</sup> *Vermont Gazette*, vol. 10, No. 27.

as candidly to read the several publications on the subject which are here presented to the Public. . . . We consider ourselves not only justified in coming forward and stating our cause of complaint, but in duty bound to our fellow inhabitants, both for their safety and our own reputation. . . . In the year 1787, General Allen contracted a debt with us in Quebec, to the amount of £200; near the limited time of payment, he wrote a letter of excuse praying delay and offering to pay the debt in Vermont; upon which one of the partners, having other business, called on General Allen to fulfill his promises; he delayed the time first offered by himself and pledged his honor to satisfy the demand at a certain time, to which he paid no attention, but offered other terms, formed contracts, and promised faithfully to satisfy the demand, on different periods, in which he also failed: Being thus exasperated, a suit was commenced in the fall 1789, and at twelve months end, we obtained judgment but upon his predominant principle of delaying the payment of a just debt, which he never pretended to dispute to us . . . he obtained a review; at the expiration of six months the judgment was confirmed, and execution issued. Which through his promises &c was not put in force until April 1792 . . . and levied anew on a span of horses, and some land. . . . The day of sale was appointed, but the officer through illness was prevented from attending; . . . we agreed to take \$80. and Allen's note. . . . Allen stated . . . that John Knickerbackor attended the sale for him and that he had given him the money to buy in the property if sold. Allen promised to make payment and we gave the execution to Stephen Pearl sheriff . . . and we thought best to forward the business to taking Allen's body . . . on the 9th of August, which was the last day of the execution; meeting with Pearl at Burlington Bay, we asked him what was done, he answered that Allen had gone to the Governor's to borrow money to make up the sum, and that if we were not paid by next day at ten o'clock in the forenoon he would convey Allen's body to gaol. We asked him if he was sure the body would then be in his power, he answered he is in my custody and I can take him when I please; next morning he came to us and said, 'I have done my best endeavors, here is forty two pounds, and the general has turned out property for the balance, which I have posted according to law.' . . . We afterwards found by information that Pearl had not seen Allen from the time he left us on the 9th till next day, and consequently could not have received property within the life of the execution; . . . it now depends on a suit against Pearl, which we have commenced. . . . We will not pretend to make any remarks but are sorry to find we are not the only ones so abused; as Pearl told us pledging his honor, that we should have our money within thirty days agreed on to let the execution lie in the office, that a messenger would be dispatched by Allen, to get money due to him in Connecticut, which was meant to discharge our debt, and also an execution which he had previously let run out against Ira Allen for about two hundred pounds. It appears to us a great misfortune to the public, that a man's possessing property should cause officers(as we suppose)

TO THE CANDID PUBLIC.

HAVING received information that a publication, signed S. & F. de Montmollin, is designed to be spread this morning, in order to have an undue influence on the county convention.—The public are requested to suspend their judgment on said publication, until a just and equitable decision can be made from a calm and judicious investigation of the facts therein contained, and a refutation of its falsities. The subscriber is now and ever has been ready and heartily willing to render ample reason for the whole and every part of his conduct in the business adverted to, to messrs. Montmollin, and to afford them all the satisfaction the nature of the case will allow, or that reasonable men could desire.

STEPHEN PEARL.

RUTLAND, *October* 15, 1792.

SHERIFF PEARL'S BROADSIDE ON THE MONTEMOLLIN CLAIM  
AGAINST IRA ALLEN





to be in so much awe of him, that they dare not collect a just debt; should this become a predominant custom (which God forbid) General Allen may well be rich; for we have no reason as well from the usage we have received, as some others, to suppose he would ever pay a debt of his own accord, but we know this cannot be of long duration, as it is entirely abusing the equitable laws of the State, and arises only from a few individuals in whose eyes he appears to be despotic.<sup>1</sup>

It could not be expected that the Canadian firm would be frank enough to admit that Allen had sent lumber to Quebec on orders with price stated, but when the lumber arrived a large part would be culled out and very little paid for at the price agreed upon. Levi's two visits to the Quebec market convinced him, a shrewd trader, of the futility of shipping lumber to that port. When Sheriff Pearl of Burlington saw this charge he countered with a broadside of his own, addressed 'To the Candid Public,' which accused the Montemollins of political chicanery; asked for a calm investigation and offered to give 'all the satisfaction the nature of the case will allow, or that reasonable men could desire.'<sup>2</sup>

The Assembly and Council met on Thursday, October 11, at Rutland. Thomas Chittenden was again elected Governor. Peter Olcott, who had endeavored during the early days to defeat Vermont's independence, was elected Lieutenant-Governor. Thomas Jefferson, Secretary of State in Washington's Cabinet, wrote two letters to Governor Chittenden in July, urging moderation in respect to the Alburg occupation, stating that he was negotiating with England. These letters were read in the Assembly on October 15. On the same day Allen

moved that the House proceed to a settlement of all accounts unsettled, between this State and him, and also his claims to the townships of Woodbridge and Carthage, on principles of equity, agreeable to a resolution of the House, passed last session.

His Honor, Isaac Tichenor, Esq., who was appointed by the Legislature, . . . to look up charges, vouchers &c . . . appeared on the floor, and informed the House, he could not be prepared till tomorrow morning. On motion of Mr. Lynde. *Resolved*, That Isaac Tichenor . . . be directed to make out an accurate and summary statement of all settlements heretofore made, between this State and Ira Allen, Esq. and lay the same before this House.

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 248, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 251.

Tichenor procrastinated and no statement was submitted by him. On Saturday, October 20,

General Ira Allen rose, and said, he had long waited with impatience, in hopes that the House would assign some day, in order to effect a settlement with him; and requested that a day might be appointed for that purpose.

Tichenor was sent for and stated he would 'be prepared on Monday morning next.'

On Monday Tichenor was not prepared, but the House voted to take the settlement of Allen's accounts under consideration 'to-morrow morning.' Tuesday, the Governor and Council joined the House and listened to the following report made by Tichenor:

*Dr. Ira Allen, Esq. Treasurer, in account current with the State of Vermont*

Continental Money

To Cash in Continental Money of Commissioners &c.	£190,433- 6- 4
To balance due, [Allen]	6,911- 6- 5
	<hr/> 197,344-12- 9

Lawful [Vermont] Money

To Cash received from Land Committee, &c	£ 66,815-13- 8
To State Notes issued	24,750- 8- 7
To Cash received on the several taxes,	38,536-17-11
To balance due, [Allen]	487- 2- 1
	<hr/> 130,590- 2- 3

Hard Money

To Cash received on hard money taxes	£ 7,411- 2- 7
To Hard Money orders issued,	6,198- 7- 8
	<hr/> 13,609-10- 3

Feb. 6, 1790 To Cash paid Ira Allen, &c, Surveyor-General	£4,603-18-10½
To an order drawn on the Treasurer	791-17- 8
	<hr/> 5,395-16- 6½

*Cr. Ira Allen, Esq. Treasurer, in account current with the State of Vermont*

Continental Money

By Cash paid on pay-table orders,	£138,625- 4- 4
By Cash paid Commissioners, per receipt,	57,466-16- 5
By Cash in the Treasury, Continental money,	1,252-12- 0
	<hr/> 197,344-12- 9



## Lawful money

By Cash paid on pay table orders	£93,863-16- 9
By Cash paid Ira Allen, by order of Commissioners of pay table, for services of Surveyor-General, as per account	5,034- 4- 6
By Cash paid Ira Allen for services, &c from 8th July, 1777, to Oct. 2nd 1786, as by account	2,126- 4- 3
By Cash paid Ira Allen, as per account, for services from 2d Feb. 1778, to 8th Dec. 1784,	139- 0- 1
By Cash paid Ira Allen, as per account	33-19- 6
By Cash paid Ira Allen, for powder, quantity not known,	1,046-11- 7
By Cash paid Commissaries, as per receipts,	14,019- 1- 9
By State notes in the Treasury,	14,277- 3-11
	<u>130,590- 2- 3</u>

## Hard Money

By Cash paid on pay table orders,	£ 7,773- 7- 2
By Hard Money orders on hand,	4,345- 5- 6
By Cash paid Ira Allen, as per receipt,	279- 1- 6
By Cash paid interest on State notes, 25th September 1787, Hopkins & Mattocks, aud. p.ac.	211-16- 1
	<u>13,609-10- 3</u>
By Sundry expenses as Surveyor-General, as p.ac.	£ 5,395-16- 6

The above is a concise statement of two settlements made with Ira Allen Esq. as Surveyor-General and Treasurer.

In the settlement with Mr. Allen, as Treasurer on the 25th of April 1787, the Auditors report a balance due him in Continental money of

And also a balance due him in good and Lawful money of

On the 6th of February 1790, the Commissioners appointed to adjust Mr. Allen's accounts as Surveyor-General, report an account allowed by them to Mr. Allen for his services, and expenses attending the department, of

And that Mr. Allen has actually received out of the Treasury towards that account

Which left a balance due him of

For which he received an order on the Treasurer; the whole of said order is paid, except the sum of

Previous to Mr. Allen's settlement with the Auditors, as Treasurer, I find that he obtained, to wit, on the 10th of October, 1786, and 13th of January, 1787 (including his accounts as Surveyor-General) the allowance of sundry accounts from the Committee of Pay, for services rendered this State-money expended, &c. from 8th July, 1777, to 2nd October, 1786, to the amount of

Continental money.

And in good and lawful money of this State, the sum of

And the said sums were transferred to Mr. Allen's

£6,911- 6- 5  
487- 2- 1

5,395-16- 6

4,603-18-10

791-17- 8

32-10- 0

3,704- 4- 0

8,741-11-11

credit in the settlement with him as Treasurer. One of the accounts so allowed, contains a charge against this State, of an unknown quantity of powder, to the value of

£1,046-11- 7

purchased by the sale of the lands of this State. No credit appears to have been given by him, on settlement, to this State, for lands so sold— which credit, had it been given, would have turned a balance in favor of this State of

559- 9- 0

instead of a balance due Mr. Allen, of

487- 2- 1

as brought forward by him, and charged to his new account.

Upon the balance stated to be due Mr. Allen, of in Continental money, the value of which sum in lawful money he states (in his new account) to be

6,911- 6- 5

I can find no check against it, neither can I obtain any rule by which the value of this money can be ascertained, as the general account, and no particular account whatever, ascertains the time in which this money was advanced by him.

207-11-11

In examining the Treasurer's books delivered over by Mr. Allen, to the now Treasurer, which contains the entry of the taxes due from the several towns, I find Mr. Allen received of the town of Halafax

48-13- 9

of Reading

18- 4- 7

of Woodstock

5-18- 5

Making in the whole,

£72-16- 9

Which sum he ought to have credited this State in his settlement, at the time of his receiving said sum.

I also find Mr. Allen indebted to this State by note dated 26th Oct. 1788, payable in hard money, to the amount of

£326-17- 6

The whole of which several sums amount to

£1,446- 5-10

Which ought to be improved by this State, against any equitable demand he may bring forward in his new account.

Which is submitted to the Honorable the General Assembly, by

I. TICHENOR <sup>1</sup>

The accounts of General Allen were read, and, on motion of Mr. Farrand, [Newbury] *Resolved*, That the Hon. Isaac Tichenor, Esq. be requested to advocate, in behalf of this State, in the settlement of General Allen's accounts.

The parties having brought forward a statement of accounts, it was moved by Mr. Williams, [Rutland] that a select committee of seven be appointed, to hear a stating of the parties, and report. The question being put, it passed in the negative. *Resolved*, that this Committee [House and Council] adjourn for one hour. Met according to adjournment: After many and long debates, *Resolved*, That this committee will go into a discussion of General Allen's accounts charged for services done and monies expended previous to the organization of this State.

<sup>1</sup> Vermont, *Assembly Journal*, 1792, p. 49.

On motion, *Resolved*, To reconsider said vote, and proceed to a general discussion of his accounts.

Mr. Allen then moved that the Committee postpone the further consideration of his accounts, until Tuesday next, for the purpose of procuring the evidence of John Knickerbacor, Esq. to support his charge against this State for powder.

The question being put, it passed in the negative. Whereupon the Committee adjourned until 9 o'clock tomorrow morning, Wednesday, 24th October, 1792, 9 o'clock A.M.

The Grand Committee met, according to adjournment. Mr. Allen again requested the Committee to postpone the further examination of his accounts till Tuesday morning next. The question being put, it passed in the negative. On motion of Mr. Farrand, *Resolved*, That having fully heard and examined the accounts exhibited by General Ira Allen against the State, in October last, we find that said Allen has no demand against this State, either in law or equity; and that he ought to account to the Treasurer of this State, for the sum of three hundred pounds, which was by him drawn out of the Treasury, in October last, by virtue of a resolution of the General Assembly; and that the Treasurer be and hereby is directed to call on said Ira Allen for said sum of three hundred pounds.

*Resolved*, that this committee be dissolved.<sup>1</sup>

This settlement occupied the attention of the Assembly and Council during the entire day. The following day the House accepted and approved the report of the General Committee. On October 29, the Treasurer was directed to pay six pounds hard money to Isaac Tichenor for his services in connection with Allen's accounts. Allen, finding he could not get a fair hearing before a hostile Assembly and Council, brought suit in the Federal Court, against the State for fourteen thousand pounds and levied on 46,080 acres of State land;<sup>2</sup> the writ was served on the Assembly.<sup>3</sup> On November 15,

On motion of Mr. Williams, *Resolved*, That a committee, consisting of one member from each county, be appointed, to draft a resolution, appointing some person to commence and prosecute a suit against Ira Allen, Esq. in the name of the treasurer, for £300 lawful money, heretofore loaned to the said Ira:—and also to take under consideration the expediency of appointing some person to defend a suit already commenced by the said Ira against this State, made returnable to the next circuit court, in and for the district of Vermont.

This was done and the same day the Treasurer was directed to

<sup>1</sup> Vermont, *Assembly Journal*, 1792, p. 52.

<sup>2</sup> Vermont, *Secretary of State Office*, vol. 38, p. 123.

<sup>3</sup> Vermont, *Assembly Journal*, 1792, p. 88.



commence a suit against Allen for the sum of three hundred pounds, and Isaac Tichenor was appointed to defend the suit brought by Allen in the Federal Court over which Nathaniel Chipman presided. To indicate the hostile feeling that Tichenor had created against Allen in the Assembly, that body on the last day of the session refused him leave to bring in a bill for a gaol in Chittenden County.

On Tuesday, October 16, when the Council was in Grand Committee with the House, the Governor

made the following communications from the Board of Trust to the University of Vermont.

1<sup>st</sup> A statement from the Board of Trust, relative to a dispute between said Board and Gen. Ira. Allen, with respect to the sum of three thousand pounds, part of his, the said Allen's donation, subscribed to the use of said University; and stating, that, after several conferences with him on the subject, unhappily find no probability of agreement — signed by His Excellency as President of the Board of Trust.

2<sup>nd</sup> A memorandum of an agreement between the Board of Trust and Gen. Ira Allen, to submit the disagreement between the said Board and the said I. Allen, Esq. to the decision of the Judges of the Circuit Court, to be convened at Bennington, in June next; dated Oct. 13th, 1792.

3<sup>rd</sup> Gen. Ira Allen's memorial, donation, and proposals to the Legislature, in Oct. 1789.

Which being read, His Excellency requested the advice and direction of the House thereon.

Mr. Speaker, one of the Board of Trust, moved for liberty to speak, which was granted him. When he fully expressed his sentiments on the subject, and his understanding of the memorial and donation, at the time when they were proposed to the Legislature. . . . Motioned by Mr. Hall [Sudbury], That the Committee approve of the measure which the Board of Trust have entered into with General Ira Allen, for submitting to the decision of the Circuit Court of the United States, in June next, the dispute relative to three thousand pounds subscribed by said Allen, as a donation to the University of this State, which being tried — passed in the negative.

On motion of Mr. Williams, *Resolved*, That it is the opinion and understanding of this Committee, that the true intent and meaning of General Allen's subscription of three thousand pounds to the University of this State, was that the full value of said £3000, in land, was to be paid to said Trustees, when called for. On motion of Mr. Williams, *Resolved*, That the Trustees of the University of Vermont be desired to call on General Ira Allen, for deeds of land, to the amount of three thousand pounds, by him subscribed to said University — and in case he shall refuse or neglect, that they commence

an action against him, for the recovery of that sum. After debating some time on the above resolutions, *Resolved*, To defer the further consideration thereof to some future time.

On Friday, October 26,

His Excellency the Governor requested the Committee to give their advice to the Board of Trust for the University of Vermont, how to obtain the donation of three thousand pounds subscribed by General Allen — the Committee confided the business to the Board, conceiving them to have full and ample power to proceed against him.

Thus it will be seen that Allen was the subject of much discussion by the Assembly and Council and that his political enemies were successful, not only in defeating every measure tending to settle his accounts and his dispute with the trustees of the university, but in giving the members of the Legislature and the public the impression that he was unreliable and dishonest. That the reader may judge whether this Legislature was capable of doing Ira Allen justice, examples of their generosity to his and the State's early enemies follow:

On October 25, the Governor was 'directed and required' to issue charters to John Kelly and Samuel Avery; for twelve thousand acres, at thirty pounds lawful money for each one thousand acres, to the former and eleven thousand acres at twenty-four pounds for each one thousand acres to the latter.<sup>1</sup> Two days later the following appeared in the Assembly Journal.

Whereas it was suggested by Judge Paine and Judge Tichenor, that it was understood and agreed between the Commissioners of Vermont and New York, that all the lands, granted in 1787 to John Kelly, should be chartered to him, one half free of granting fees, and the other half liable thereto; and whereas only thirty nine thousand acres have been chartered free of such fees, which leaves fifteen hundred and fifty acres still to be chartered free of such fees. It is therefore further *Resolved*, That the Treasurer deduct the granting fees on the said fifteen hundred and fifty; and also allow the said John Kelly *nine pounds* lawful money, which he overpaid last year. . . . A resolution of the Legislature, passed the last session, relative to the grant of sixteen thousand acres of land, made to the Hon. Chief Justice [of the U.S. Supreme Court] Jay . . . was introduced by John Kelly, his agent, and referred to a committee.

The committee made a report<sup>2</sup> recommending that Mr. Jay be

<sup>1</sup> Vermont, *Assembly Journal*, 1792, p. 54.      <sup>2</sup> *Ibid.*, p. 69.

granted the land at nine pounds per thousand acres, which at that time was about three cents per acre. One of the reasons given by the committee for recommending this was that Judge Tichenor gave evidence 'that Mr. Jay signed four petitions to the Legislature of New York for the purpose of bringing about a settlement between the citizens of Vermont and New York, which was of very essential service, and facilitated that business.'

On November 7, action was taken by the Assembly.

Whereas it is found by the Legislature, that the tract of land called Carthage, is extraordinary fine; and there being no claim to said tract, except as before found by Legislature — Therefore, *Resolved*, That his excellency the Governor be, and he is hereby requested and required, to issue a charter . . . to John Jay for fourteen sixteenth parts of two thirds of the tract called Carthage, being fifteen thousand acres.

This tract legally belonged to Ira Allen. One wonders how a man, holding the office of Chief Justice of the Supreme Court, would accept a grant of land at a low price for services he rendered to induce the people of his own State to give up all claim on Vermont and to have this printed in the Assembly Journals of Vermont. The day after this action the Assembly adjourned. The Assembly would not give Allen time to prove that he had paid for the powder, which he did prove later, but in the meantime the Federalists made much of Tichenor's report. Thomas Chittenden was a good politician and knew how to trim his sails to accord with the popular side and was friendly with the Federalists. He obtained seven thousand acres of land in Carthage on the same terms as given to John Jay.

Allen would have had an easy settlement if he had compromised with Tichenor and others. Tichenor, a judge of the Vermont Supreme Court, acting as auditor on Allen's accounts and now employed to prosecute him, apparently overlooked the probability that Allen's case might come before that court. Allen was honest, seemed to think others were, and did not fully realize his difficult position. All the judges appointed by this Legislature, many of whom were members of that body, were naturally prejudiced against him, and the many actions he was engaged in tended to confirm their opinion. His great landed wealth contributed to make him a



political target. In his dispute with the trustees of the university, he believed that he should carry out his donation in his own way; but exhibited fairness by suggesting that the dispute be left to the United States Circuit Court, which would be presided over by John Jay or some other member of the United States Supreme Court, and Nathaniel Chipman, the Federal Judge in Vermont. Allen was badly advised when he brought suit against the State in the Federal Court; only a citizen of another State could do that, and his case was dismissed.

Tichenor used the argument against Allen that compensation for services he rendered the State from September, 1776, to June, 1777, before it was organized, should not have been allowed. These charges amounted, he said, to four hundred and thirty-four pounds. Allen charged for his time seven shillings a day, and such expenses as he incurred on his various missions. Tichenor stated that

Mr. Fay informs . . . as was also the information of General Woodbridge, that what was done previous to June 1777 was considered as voluntarily given. And all who met in convention or on committee in order to consult upon the most eligible method of conducting our Contest with the State of New York, was considered as a tribute to their Country and were influenced with no idea of recompense and received no satisfaction for their services except what arose from the voluntary contribution of spirited individuals.<sup>1</sup>

Allen charged during this time only £215-19-9. No stronger proof is needed that Allen during 1776 and 1777 was the only man devoting all his time to founding the State of Vermont. He gave dates and services rendered in detail in his statement of account and there were many who would have disputed his statement if it had not been absolutely correct. Tichenor evidently could not prove one charge wrong, so he made the general statement quoted above. Of course no one made any charge for attending three conventions in 1776 and three in 1777. Ira Allen and Joseph Bowker were the only two who attended all these conventions. One other general statement made by Tichenor was that 'Allen obtained a great fortune . . . to make him an honest man.'<sup>2</sup> The missing word may be enough.' This insinuated that he had obtained his fortune, dishonestly.

<sup>1</sup> Vermont, *Secretary of State Office*, vol. 39, p. 83.

<sup>2</sup> *Ibid.*

Allen's generous gift to the State University of four thousand pounds, one thousand of which was in money and materials for a building and the other three thousand in lands which he purposed leasing on long terms as an endowment, seemed to have no influence on the Legislature. Some of these lands are still owned by the university. This four thousand pounds was nearly four times the amount in dispute. The matter was one of bitter party politics, and Tichenor's efforts were to obtain popularity by ruining Ira Allen's character.

When the necessity of a tavern in Burlington became evident, Allen agreed, on November 20, to build one before August 1, 1793, and lease it for three years to one Zenas Allen, for six per cent on its cost.<sup>1</sup> Financial worries did not slacken his endeavors to make Burlington the leading city of the State, as a means toward which he leased his forges and anchor works for two years from May 1, 1793, when they were to be completed, for ten per cent of the iron produced on the forges, and five pounds per month for the use of the anchor shop, houses, and lands. These terms are evidence that Allen's object was more to create business in Burlington than for profit, though profit would eventually accrue to him on his lands as a result of the development of the city.

In November, Allen made arrangements preliminary to attempting to pay off his Canadian debts. He was prevented from selling his lumber in Canada by fear of attachments, and was thus forced to lease his sawmills for one third of their output, while furnishing the logs at the same time. He sold one hundred and fifty thousand feet to Ebenezer Allen, 'boards to be culled for the Quebec market,' as he did not trust the Quebec inspection, and the proceeds to be paid to Cull and Frazer & Young.

A personal vexation and financial loss to Allen came with the end of the year. His nephew, John Finch, obtained Allen's aid in establishing a store at Burlington with a New York City agency. The venture was a failure and the Burlington stock was sold out at the end of December to M. Chittenden, the Governor's son, for four hundred pounds, the sum to be paid in wheat and cattle at the market price, as the goods were sold. The only receipts found on the above agreement total £148-7-5, with payments spread over a period of two years.

<sup>1</sup> Wilbur Photostats, No. 256, Library of Congress and University of Vermont.

The scarcity of money in 1792 had made it impossible for Allen to meet his obligations outside of the State, and this scarcity in turn caused every one he owed to press for payment. Wheat, pork, cattle, lumber, and iron do not circulate as readily as money, and it was all that Allen or the people of Vermont had besides their land.



## CHAPTER XXI

### LAND DEBTS — THE POWDER OF 1776 AND A DUEL

1793

THE new year found Ira Allen in New York, where he had gone early in December. The thousands of acres of land he owned, and on which he had to pay taxes, were not selling. His extensive mill and forge operations required money; moving everything by water was slow, and could only be done during the summer months, hence long credits and great risks. Labor and pot and pearl ashes could be obtained only with cash, food, or dry goods. Creditors were always pressing and Allen was obliged to delay paying his bills as long as he could in order to keep his mills running. He felt justified in this, as he knew he possessed assets several times greater than his liabilities, but the need for cash had induced him to send, at different times to New York City, his father-in-law and others to negotiate a loan or to sell part of his land but they had not succeeded.

In those days if a man had no property that could be levied on in the State in which he was sued, he either had to give a satisfactory bond or his body was attached. Notwithstanding this, Allen finally went to the city hoping he might succeed where others had failed. On his way to New York he passed through Bennington and to save time acknowledged two judgments, one for £150-1-6 and one for £116, with costs and damages.<sup>1</sup> It is quite likely this was with the understanding that no action would be taken until his return from New York, but he evidently felt anxious, as he wrote Sheriff Pearl of Burlington, January 14 and 24, concerning them. Pearl wrote him, February 6, that Tichenor had taken out an execution against him on December 5, which must have been only a day or two after Allen left Bennington. Pearl wrote that he had induced 'Judge Tichenor to renew them on account of your absence and he has renewed them to the 24 day instant [February] and will not renew them any more and says the

<sup>1</sup> *Tichenor Papers*, 2681, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.

money must be paid immediately.' <sup>1</sup> Tichenor had either purchased these claims or was acting as attorney for others, and this situation troubled Allen, for he had expected to return to Vermont before the first of January. As his ample assets were in lumber and merchandise, which could not be moved before April or May, the purpose of Tichenor's action was evident. Arranging with creditors occasioned many conferences and Allen found it more difficult than he had anticipated to negotiate in New York either loan or sale.

Back in Vermont, Mrs. Allen was struggling with business affairs with John Finch as her adviser. Her anxiety at her husband's lengthy absence found expression in her letter to him of February 17:

This will be handed to you by Mr. Cull [of Quebec, one of his creditors], who has called here this morning and offered to convey it to you. I have waited for your return till I am almost out of hope of visiting my friend this winter [winter with snow for sleigh was about the only time a lady could travel far in Vermont], unless you should be here soon which I hope on many accounts will be the case, for I assure you your business here wants your attention to it very much and your company would be very agreeable to your friends; they are at present all well. I have been unwell myself, but am now on the gaining hand, though my spirits are rather low, owing to the frequent disappointments I have met with this winter and the fear I have of being deprived of seeing my friends the other side of the Mountain. [She came from Hartland.] I will thank you, Sir, to go to the best limner [painter] in New York and have your miniature taken [painted] and set in solid gold, and let it be full as large as the paper I have enclosed when it is finished or larger; will thank you to send or bring a few pounds of the best hison tea. Ira [not quite three] says his Papa has run away; he and Zimry are both well.

From your sincere friend,

JERUSHA ALLEN

Sir: Since I began to write I have received your letter by Col. Hay. Am happy to hear you are well, and should you happen to see our neighbour, the Major, treat him as a damned mischief-making fellow deserves.<sup>2</sup>

It is due to this request that we are indebted for the beautiful miniature reproduced in this volume. The painter is unknown. The miniature was presented to the University of

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 262, Library of Congress and University of Vermont.

<sup>2</sup> Vermont Historical Society, Manuscripts, Montpelier.

Vermont by Ira Allen's granddaughter, Miss Sarah Hayden Allen, who now resides in Boston, and it is the most highly prized treasure of the university. In the back of the miniature is some braided hair, presumably Allen's, all that is left of Vermont's greatest citizen. On July 11, he wrote from New York:

DEAR JERUSHA: I wrote you yesterday by the Post, but imbrace this opportunity by Col. Hitchcock. The confused state of affairs in Europe makes it almost impossible to do business here but expect to close my business in a few days. Shall come by land [300 miles] some business will take me off my road and detain me some, I never in my life was so desirous of closing business and getting home.

Shall depend on Col. Pearl to serve my hay in such manner as may be most advantageous. Mr. Finch will come by water and General Enos is perfectly happy here doing nothing. Shall not forget the articles you want.

Your friend

IRA ALLEN <sup>1</sup>

He had requested Mr. Hitchcock to come to New York as his attorney, and Finch to bring some papers. While in the city he was annoyed by such communications as the following:

I received your note this morning after I had called at your lodging, relative to the Business which I intended to have seen you about, but your Landlord informed me that you was not at home.

My orders, delivered me by Mr. Fitch, were to obtain your pre-emptory answer to his Proposal, of paying immediately 2000 dollars or submit to a suit. [If judgment was acknowledged, a creditor often agreed not to attach the debtor's body.] Your proposition of waiting until Wednesday, for your final answer is not within my instructions. I have therefore issued a Process against you, and the Directions of my client must be my Apology.

JAMES M. HUGHES

GENERAL IRA ALLEN  
NEW YORK, 13 July, 1793 <sup>2</sup>

At the end of the month an old claim resurrected itself:

NEW YORK July 30th, 1793

SIR: Your brother Hayman [Heman] Allen was indebted to me about four hundred pounds N. York currency from the year 1773. I am informed you have administered on his Estate. I therefore wish to be informed what Prospect of Payment may be relied on — and, if you can pay any part of it to Mr. Stephen N. Bayard, his receipt shall be valid for such payment, and I will forward you my account.

THOMAS DUNCAN <sup>3</sup>

<sup>1</sup> Vermont Historical Society, Manuscripts, Montpelier.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 269, Library of Congress and University of Vermont.

<sup>3</sup> *Ibid.*, No. 270.



Many of the debts that were now annoying Allen were the debts of Levi, which he had obligated himself to pay if Levi did not. At this time the strained relations between the brothers is shown by Levi's letter dated:

AT THE WATERS OF SAMARIA

June 28th 1793

SIR: I have marked your conduct ever since my return from England, and find nothing of Ira Allen remaining, therefore suppose your name ought to be Ira Enos; a certain man while I was in Canada set you up ag<sup>t</sup> me, your own sense hath long since discovered the —— of that man's conduct, and the ungenerous motives that induced him —— . The present deception you labor under will of course er long have an end.

When I see the Six Brothers the Sons of Jn<sup>o</sup> Kane (*sic*) Esq carrying on Business in a Brotherly and advantageous manner I cannot help reflecting that our Family consisted of the same number, and once as well agreed; but shocking in the second reflection, that after insatiable death hath devoured four, the remaining two have become Strangers, and all without any the least direct Charge on either Side.

If you are deficient in lands, I can help you to one hundred thousand acres, which will soon come in course, and shall not have the least objection on proper Condition, for I am not over anxious as to the property I leave after Time with the Crooked Scythe makes his last stroke; for who knows whether it shall be left to a wise man or a fool, a penurious wretch, or a Gasconading spendthrift who will laugh at and deride the memory of him whose early labour, industry, and frugality enables the thoughtless and thankless Villian to be a genteel Blackguard, or a Ceaux DeVille.

These things may be worth casually thinking of in the midst of our pursuits in the worldly way; yet I would not have you think I have turned methodist preacher nor Set up a Praying School, though(I) always hope to retain a grateful sense of all Favours received from *Heaven*, men or other beings.

I ask you, I desire you, in the *name of the deceased part of the Family*, and for the Honor of the Survivors, that you commit no cowardly Hostilities in my absence, or do any thing that may prevent our acquaintance being renewed, at my return, provided I should be successful, and carry all points, which there is a great probability of.

I have dropt a *tear* over the expiring Family *Honor*, but am drying them in full hopes and faith tha<sup>t</sup> a Phenix will arise out of the ashes. Here endeth the first lesson.

LEVI ALLEN <sup>1</sup>

What response this called forth is not clear, but two months later, in August, there is Levi's reply to Ira's request for payment of the sums lent to him:

<sup>1</sup> Vermont Historical Society, Montpelier.

DEAR BROTHER. After leaving Phil<sup>a</sup>. Mrs. Allen was taken extremely sick, a violent fever. . . . Am very sorry cannot better answer . . . I have not as yet received any thing, no not one farthing on the Military Speculation. My only daughter and child have got into Bethlehem School, but how long Mrs. Allen will remain alive, or unable to travel is quite uncertain. . . . Am in a dutch house and this is all the paper I can get, nor have I much time to write, Mrs. Allen, being somewhat deranged in her senses.

I am yours in Trouble.

LEVI ALLEN <sup>1</sup>

Allen returned home in August. His long absence had deranged his affairs, and he met with disappointments on every hand. He found Chittenden involved in a bitter struggle for reelection as Governor and immediately plunged into the work of securing votes for his old friend. His efforts contributed in part to Chittenden's victory.

The State elections took place, and for the first time since its organization Allen was not elected to any office. It is fair to assume, as he owned Colchester, that he did not wish to serve as a member of the Legislature. In the spirited contest for Governor this year Chittenden barely defeated Tichenor, who carried the Governor's county of Chittenden, while Chittenden carried Tichenor's county of Bennington. Tichenor would have been elected but for Rutland County's poll of 1094 votes for Chittenden against 299 for Tichenor.<sup>2</sup> Matthew Lyon, Chittenden's son-in-law, was instrumental in securing this Rutland result.

Chittenden's margin of victory was only two hundred and thirteen votes, and there is small doubt but that Allen, who influenced the votes of many of his numerous employees, was an important factor in this result. By one of those strange fatalities, which human thought could not anticipate, this defeat of Tichenor, through Lyon's and Allen's influence, instead of proving an advantage to Allen, was to wreck his fortune, lead to his imprisonment, and separate him from his family and friends for nearly twenty years. Chittenden saw that the Federalists were becoming more powerful each year and, had he been defeated at this election, he would never again have been

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 271, Library of Congress and University of Vermont.

<sup>2</sup> *Vermont Gazette*, October 18, 1793; also *Vermont, Records of the Governor and Council* (Montpelier, 1878), vol. 4, p. 44.

a candidate.<sup>1</sup> If Thomas Chittenden, Ira Allen's oldest and best friend, had not been Governor two years later, Allen would not have gone to Europe, and his 'History of Vermont' would never have been written; nor would we have had the numerous publications he produced during his exile, which reveal the early life of this one of Vermont's greatest sons.

On October 23, Allen drew up an agreement between the University of Vermont and himself which was signed on that day by the university's attorney, Daniel Buck. Allen gave bond for six thousand pounds lawful money in which he agreed to deed in fee simple . . . all the lands the s'd Ira Allen now owns in . . . Middlesex, . . . St. Andrews, . . . Within six months from this date . . . s'd lands to contain at least ten thousand acres & to be for the use and benefit of s'd University.

Allen had been appointed by the board sole agent to lease the lands and he agreed to do so

at his own costs and expenses . . . and will on or before the first day of November 1796 pay and deliver to s'd corporation or their agent at Burlington the sum of one hundred and eighty pounds lawful money worth in wheat, beef, pork, butter or cheese in actual payment of the rent of s'd lands and will annually on the first day of November for ever thereafter pay and deliver . . . said sum of one hundred and eighty pounds . . . in manner aforesaid until the actual annual rents paid by the leasees upon the leases of s'd lands by the s'd Ira returned to s'd board of Corporation shall amount to the s'd annual sum of one hundred and eighty pounds . . . which leases . . . shall be to the acceptance and satisfaction of s'd Board of Corporation.

The agreement provided that in case Allen or his heirs did not pay these sums annually within twelve months of the date due, he agreed to pay the sum of three thousand pounds with interest, less all sums previously paid. When the rents actually amounted to more than the annual payment, the trustees must either release Allen and his estate from any further obligation or pay to him the surplus received. It was a fair agreement. The value of a pound of lawful money at that time was \$3.34,<sup>2</sup> making three thousand pounds equal ten thousand dollars. One hundred and eighty pounds per annum was six per cent on this, or six hundred dollars. There

<sup>1</sup> *Tichenor Papers*, No. 2635, New York State Library.

<sup>2</sup> Vermont, *Assembly Journal*, 1794, p. 221.



was some argument with the trustees, as they did not, at first, realize the importance to Allen of his being their sole agent to make the leases. He had thousands of acres to lease and it was important to him to maintain a fair price. But matters were finally adjusted, and on October 25, he offered, in a memorial to the Legislature, to deed an additional fifteen hundred acres of land to the university if by act at this session the Legislature would 'change the name of "The University of Vermont," to such name as he the memorialist may choose.' <sup>1</sup> The resultant favorable act passed a second reading, but was further prevented by J. Robinson, of Bennington, and referred to the next session.

On October 24, the old powder claim was again revived in the statement presented by Allen to the Council and House. It refuted Tichenor's charges and Allen had it printed and circulated throughout the State:

*To His Excellency the Governor, The Hon. Council, and House of Representatives of the State of Vermont, Convened in Windsor:*

The Memorial of Ira Allen, humbly sheweth,

That by a determination of the Legislature in October last, he views his character and property to be much injured: your memorialist therefore begs the patience and candor of the Legislature, to hear a concise state of facts.

The Legislature, on the third day of November 1791, passed the following Resolution, viz.

Resolved, That the fifth day of the next session be assigned for the settlement of all accounts unsettled between this State and Ira Allen, Esq. on principles of equity.

Seven days elapsed before the business was brought before the House; when a pay-table order was brought as a charge against me, that had been settled years before; which order is in these words, viz.

The State of Vermont, to Ira Allen, Dr. — 1780, July & Dec. To powder purchased at Hartford, for the use of the State, and paid for by a discount of granting fees in Richford, Enosburg, Westford, Wolcott, Elmer, &c. and is here charged, as it has been settled with the Land Committee, to the amount of £1046-11-7.

IRA ALLEN

PAY-TABLE OFFICE, SUNDERLAND  
January 13th, 1787

The above account is examined and approved, and the Treasurer is

<sup>1</sup> Vermont, *Assembly Journal*, 1793, p. 113.

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directed to charge the same on book, it being one thousand and forty-six pounds eleven shillings and seven pence, lawful money.

£1046-11-7.

TIMO. BROWNSON } Committee  
SAMUEL BARTLET }

To Ira Allen, Esq. Treasurer.

January 14th, 1787

The above order is charged on book, by  
£1046-11-7.

I. ALLEN

WINDSOR, October 21st, 1793

A true copy of a pay-table order now in Treasurer's office.

S. MATTOCKS, *Treasurer*

This being an unexpected charge, as it was contained in an old settlement, and my vouchers given over to officers of government on receiving the aforesaid order, I moved for an adjournment, for time to ascertain facts, but was refused by the Honorable Grand Committee.

The State received credit for the aforesaid sum, in the book of entries, in the words following, viz.

Oct. 9th, 1786

By cash received of Thomas Chittenden, Esq. Committee for receiving granting fees, two thousand one hundred and eighteen pounds one shilling and four pence.

£2118-1-4

A true copy, taken from late Treasurer Allen's books, dated as above.

S. MATTOCKS, *Treasurer*.

At the time of giving the above credit, I took a certificate from the Governor, in these words, viz.

ARLINGTON, Oct. 9th, 1786.

In settlement with Col. I. Allen, respecting powder bought at Hartford, and granting fees, he has receipted to me, as Treasurer, one thousand forty six pounds eleven and seven pence; which sum he ought to have a pay-table order for, that he may keep his books regular between the State and himself.

THO'S. CHITTENDEN.

To the Committee of Pay-table.

AUDITOR'S OFFICE, WINDSOR

Oct. 21st, 1793

The preceding is a true copy of a writing now in my office.

Attest, ELISHA CLARK, *Auditor*.

This certificate, together with the money then received, made up the amount of the above sum of two thousand one hundred eighteen pounds one shilling and four pence. . . . By tracing the entries of the Committee of Pay-table, I find an entry in these words, viz.

January 13<sup>th</sup>, 1787

An order in favor of Ira Allen, for powder purchased at Hartford, which the Treasurer is directed to charge on book.

£1046-11-7.

Attest, E. CLARK, *Auditor*.

By certificate No. 1 and 2, it will appear that I purchased the powder by giving my note for Connecticut new emitted bills; that the bills were depreciated, so that I made a saving to the State of nearly one half, that is, seventy-two pounds paid at Hartford, answered in payments forty pounds in granting fees.

On a retrospective view of these matters, it will appear, that ample justice has been done this State by my contracts, and the former settlements, consequently the Legislature were mistaken in their proceeding, respecting my accounts in Oct. last. Much might be wrote on this subject, but it is only necessary to show that there was a mistake, and that some equitable settlement ought to be made. That no unnecessary expence be made in settlement between the State and your memorialist, and that equal justice and satisfaction be rendered to all, considering the time spent by the Legislature, different interests, &c. in the State, your memorialist offers to agree on an equitable court of disinterested men from the neighboring States, to settle all controversies between the State and himself, and that such decision shall be conclusive.

Your memorialist flatters himself that his proposal will appear so reasonable, that it will meet with the approbation of the Honorable the Legislature.

Your memorialist, as in duty bound, will ever pray.

IRA ALLEN

WINDSOR, *October 24<sup>th</sup>*, 1793.

#### No. 1.

Some time in the year 1780, or 81, according to the best of my remembrance, I paid to the Treasurer of the state of Connecticut, four hundred pounds or upwards, in Connecticut state bills, and took a receipt from said Treasurer for the nominal sum paid, which was predicated on a note Gen. Allen gave said Treasurer for powder purchased for the State of Vermont; said sum was allowed to me for the granting fees of the town of Wolcott; which receipt, when paid in for granting fees, answered me a little better than half the nominal sum, that is seventy-two pounds, answered me forty pounds.

Certified per

JOS. STANTON.

#### No. 2.

These certify that some time in the year 1781, I paid to the Treasurer of the State of Connecticut, between 190, and 200 pounds (the exact sum I cannot recollect) in Connecticut state bills, on a note given said Treasurer by Gen. Ira Allen, for powder (as the Treasurer informed me) purchased for the State of Vermont, and took the



Treasurer's receipt; which sum was allowed to me towards granting fees for the township of Coventry, allowed, according to the best of my remembrance, for something better than half the nominal sum, if I remember right, as forty to seventy-two.

ELIAS BUELL.

W. C. Harrington, lawyer and member from Shelburne, obtained liberty on Tuesday, October 29, 'to bring in a bill, entitled, An Act for the purpose of effecting a final settlement between the State and Ira Allen, Esq.' The following day the bill was read in the House and, 'on Motion of Mr. Lynde, *Resolved*, That the Hon. Isaac Tichenor, Esq. be requested to appear, in behalf of the State, at the opening of the House in the afternoon, and show cause, why said bill ought not to be passed.' In the afternoon, after hearing Tichenor on behalf of the State, 'and the Hon. Nathaniel Chipman, Esquire, on behalf of Ira Allen, Esquire, on motion of J. Robinson' it was made the order of the day on the following morning. The following morning, Thursday, October 31, after referring Allen's memorial in regard to changing the name of the university to the next session a year hence, the bill for a final settlement with him was discussed. Governor Chittenden was requested to give the House

such information as he may be possessed of, relative to a certificate to Allen under his hand, for the sum of £1046-11-7, dated Arlington, Oct. 9, 1786.

On motion of Mr. J. L. Arnold, the question was put, Do this House conceive, from the statement that has been made, that there was a mistake in the settlement of accounts with Gen. Allen? It passed in the negative.

Mr. Davis moved, that the sense of the House be taken, whether they will adopt the mode contemplated in said bill, to effect a settlement with General Allen? — The question being put, passed in the negative.

Mr. [Martin] Chittenden [of Jerico] then moved, that the sense of the House be taken, Whether they will adopt *any mode whatever*, to effect a settlement with General Allen? — The question being put it passed in the negative. When on motion of J. Robinson, *ordered*, that the bill be dismissed.<sup>1</sup>

Thus the influence of Tichenor was so great that the House would not award Allen a hearing. Jonathan Robinson, of Bennington, was apparently Tichenor's spokesman and lost no opportunity to offend Allen. Tichenor's conduct and re-

<sup>1</sup> Vermont, *Assembly Journal*, 1793, p. 166.

marks before the House in this affair were more than Allen could ignore. He had been denied a hearing in the courts and now the only other body that could give him satisfaction had refused. He at once took the course open to gentlemen at that time and challenged Tichenor to a duel, who replied:

WINDSOR, *October 31, 1793, 11 o'clock.*

I this moment opened your letter which was handed to me, when in the House of Assembly, otherwise I should have answered it before — you can take no measures sir, that one gentleman ought to adopt in governing himself towards another that will be disagreeable to me. I am detained here only to wait your command.<sup>1</sup>

As eleven o'clock was in the morning, it seems that Allen did not wait long in calling Tichenor to account after the Legislature acted. Arrangements for the meeting were promptly made and the men met on the field, but either Tichenor or his friends notified the authorities, who interfered before shots were exchanged.<sup>2</sup> Allen's autobiography notes his superior marksmanship, and had the encounter taken place, Tichenor's career might have been terminated abruptly.

Tichenor had been a friend of the 'Yorkers' from the beginning. His first appointment in Vermont in 1777 was made by Lansing, of Albany. Tichenor, Moses Robinson, and Israel Smith were later appointed commissioners to accept testimony in claims for pensions by James Duane, United States Federal Judge. Cadwallader Colden, one of Vermont's bitterest enemies, wrote John Kelly October 19, to give Tichenor his letters, and 'whatever you do, to get some compensation for the property in Vermont our family have lost.'<sup>3</sup> It was through Tichenor's influence in 1792-93 that the Legislature granted thousands of acres of Vermont's lands to Colden, Jay, and those New-Yorkers, not including Duane and Clinton, who did their utmost to prevent Vermont from becoming a State until they wanted to use her to outvote the South.

Allen's determination to enlarge and carry on his commercial enterprises never flagged. He planned to borrow enough

<sup>1</sup> *Stevens Papers*, New York State Library; Tichenor MSS., No. 2682; Wilbur Photostats, University of Vermont.

<sup>2</sup> *Stevens Papers, Allen Letters*, No. 698, and Tichenor MSS., No. 2657, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.

<sup>3</sup> *Ibid.*



THOMAS CHITTENDEN



ISAAC TICHENOR





to pay all his debts, never doubting that Vermont would grow and that he could realize on his lands within a few years. He obtained the following statement to present to capitalists in New York and Boston. The extent of his business enterprises is pictured by the description and estimate in this statement; not all of his property is therein noted, so that it would seem that one hundred thousand pounds was rather an underestimate of his resources in the year 1793.

We the subscribers being acquainted with Genl. Ira Allen and his property do certify that it is our opinion that he owneth about two Thousand Acres of Land in Shelburn, on which are several improved farms, one Sawmill, one Gristmill, and a Forge nearly compleated — That he owneth about twenty Thousand acres of Land in Burlington & Colchester contiguous to which Lands a College is established to which s'd Allen gave four thousand pounds. A City is laid out and building at Burlington bay in said Town of Burlington, said Allen has large improvements and cuts about two hundred Tons of Hay, two Sawmills, one Gristmill, two Forges and an Anchor Shop (these last are not all compleated) also a number of Houses, Barns &c — That he owns the whole of the Town of Alburg which has about one hundred Families settled on the principle of a long lease, that he owns the quarter part of the Townships of Swanton and Hyegate in which he has a Sawmill, and Gristmill, large improvements and a number of Families settled on long leases that he owns the whole of the Towns of Irasburg and Coventry, the quarter part of Lutterloh and Dumansburg near Lake Mumphraymagog, besides lands and Mills in Georgia &c — the above property we estimate at one hundred thousand pounds — Mr. Allen informs us that on account of the disbursements he is about to make for the College, the settlement of his decest friends Estates &c he wishes the loan of a sum of Money, that he expects that Gentlemen who loan the Money by themselves or Agent to inspect his property and that some knowledge of his property might be ascertained we have subscribed this stating and are perswaded that on inspecting his real Estate he will give satisfactory mortgages on receiving the Money —

\*Now it is not the intent or meaning of the Subscribers to this writing that we make ourselves any way Accountable for any sum or sums of money: But only that it may answer so far as an inducement to the person who shall be disposed to contract with Genl. Allen to come and inspect into the situation of his property for themselves.—

THOS. CHITTENDEN  
SAML. HITCHCOCK

BURLINGTON *Nov'r 8<sup>th</sup> 1793*  
To Whom it doth or  
may Concern

It was in this year, 1793, that France sent M. Genêt to the United States as Ambassador, but was obliged to recall him as not being acceptable to our Government. Genêt remained in the United States and married a daughter of Governor George Clinton, of New York. The Federalists, dominated by the so-called aristocrats of the United States, did not approve of the French Revolution and were more favorable to England. Thomas Jefferson resigned from Washington's Cabinet on December 31, largely on that account.



## CHAPTER XXII

### FINANCIAL WORRIES—NEUTRALITY WITH CANADA

1794

ALLEN's industry was a distinctive characteristic of the man. He appears never to have indulged in recreation nor to have observed any holidays except the Sabbath. He drew up his numerous contracts with his own hand, always in duplicate, and seems to have made and retained copies of important letters. He drafted the plans and specifications for all of the houses, mills, and milldams he constructed, and it appears to have been not unusual for him to carry his clerical labors far into the night.

His attention and generosity to members of his family were unailing. On January 1, he leased his sawmill in Georgia to Captain R. Evarts, vesting 'in him the care of the Pine and other valuable timber on my lots adjoining.' Evarts was to run the mill, keep it in repair, and render an itemized account of all expenses and sales. He was to cut logs

sufficient for at least two hundred thousand feet of boards, that the mill may be [at?] once useful (was I to make Almanacks should say perhaps heavy rains in May next) and I will leave it to your honor to allow me what you may think reasonable for the aforesaid privilege. Please to enter your opinion on the aforesaid duplicate account and I will charge the same against Sally in settlement of her Father's estate. I expect the possession of s'd mill on the first of Jany. next in order for business.<sup>1</sup>

Evarts had married Sarah Allen, daughter of Heber, in 1787.

As he trusted Evarts, so he trusted many people, but unfortunately not all whom he trusted were honest, and the year opened inauspiciously with the following letter from New York:

*Jany. 8th 1794*

Last Monday morning your Mr. Bradley's store was found empty and himself absconded, we Called on him for money often but to no purpose — we request you will on receipt hereof, remit us the amount of your note, and the debt of Bradley & Finch's as it will be impossible for us to wait for the money.

BROOME, PLATT & Co.<sup>2</sup>

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 286, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*

Allen's enterprise, broad viewpoint, and desire to build up the State are exemplified in the terms of his lease-offer published in the *Vermont Gazette* of January 3, for lands contiguous to Lake Memphremagog, which he would lease free for four years then commencing at fourpence per acre and increase one penny annually

till it amounted to nine pence per acre annually forever and no more. . . . In the County a saw mill and grist mill will be erected next summer [1795] . . . have also lands to lease in behalf of the University of Vermont in Middlesex and St. Andrews . . . produce raised on said lands will be received in payment . . . there may be an additional advantage by gaining a knowledge of the country before purchase. . . . As a college is established at Burlington Bay and a city building there, an iron manufactory, mills . . . at the falls of the Onion river, which are within two miles of said bay . . . ten acres of land will be given mechanics well recommended one half meadow and one half pasture, said meadows are within one mile of Burlington bay, from whence there will soon be water communication to New York and Quebec, as an inland lock navigation has been established by New York and is actually building. The facts are there are not people enough in the County to improve the lands and work the forges and mills. . . . I am therefore induced to make several proposals in order that different classes of good people may be accommodated.

This was the man whom a Vermont Legislature, led by a few of his enemies, was persecuting by impugning his honesty and refusing to settle his accounts as State Treasurer. Tichenor was the evil genius of the prosecution with his persistent claim that Allen owed the State £1046 for powder purchased during Vermont's early struggles when Ira and Ethan Allen were the only men in Vermont who seemed able to obtain powder.

Tichenor was unceasing in his assaults, not only in propagating calumny, but in scheming to obtain Allen's property. Allen owned a large part of Milton including two water-powers, one called Soper's Falls and the other Allen's Falls. Tichenor succeeded in obtaining a claimed ownership to the lands controlling these falls and deeded them to Noah Smith, lawyer of Bennington. Silas Hathaway and N. Marsh claimed St. Albans Falls, apparently for Smith, who seems to have been willing to be the lead dog of the pack. Allen had won an ejectment suit against them on the St. Albans Falls, in the February term of court. He now entered into an agreement with Smith to leave the Milton matter to the court and, in case of an adverse decision, agreed on the price to be paid for

the lands and with Smith bound himself in the sum of one hundred thousand pounds to fulfill the terms of said agreement within three months after the court's decision.<sup>1</sup> The amount involved was less than three hundred pounds; and why Allen, who was responsible for the amount named (while Smith was not), should have allowed the lawyer drawing the agreement to put in so large a sum cannot be explained except that he knew he could either give Smith a deed of the disputed lands or pay him some two hundred and seventy pounds.

Suits were brought against him later on many of these large bonds when he was in prison in Europe; but at the time the giving of these large bonds did not seem important to Allen. It is another evidence of his confidence in the honesty of men with whom he dealt. Many acres of land were sold this year by Allen on a small cash payment down and a bond, generally in twice the amount involved, to pass the deed when final purchase price was paid. A study of his business papers<sup>2</sup> for the year 1794 renders easily understandable how it was possible for him to lose his large interests in Vermont within a short time.

When Allen visited Boston in February of this year to obtain a loan needed for his enterprises, he carried with him the following statement:

NEWBURY 10th February 1794

*To Whom it May Concern*

We the Subscribers being acquainted with Genl. Ira Allen's Real Estate, by our own knowledge and Common report, do estimate, his Mills, Forges, Buildings and Lands worth Ninety thousand pounds, in the State of Vermont.

In the possession of said Real Estate we recommend Genl. Allen to our friends in Boston.

WILLIAM WALLACE<sup>3</sup>  
JAMES WHITELAW

This was a very conservative estimate of Allen's worth. The great difficulty of obtaining a loan on land security was that the only way the lender could protect himself was by taking a deed of the land. This was an objectionable feature, for, if the loan was not paid when due, suit had to be brought, as is the case with a mortgage now, and this often meant long

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



litigation. A prospective lender in Boston wrote Colonel Wallace that he would make Allen a loan of seventy-five hundred dollars, giving him public securities for that amount if Wallace would endorse the note.<sup>1</sup> This was done, Allen having three and a half years to repay the amount. The securities were taken at par or face value and whatever discount they sold for Allen had to pay. This was a common way of circumventing the usury law. He borrowed altogether about twenty thousand dollars, giving a deed of some of his best lands as security.

Allen's note to Elijah Austin for \$1167.22 on February 5, 1793, became the property of Isaac Brownson, of New York, who, at the April term of the Supreme Court of that year, obtained judgment against Allen for £527 10s. 3d., which was equal in New York currency to \$1318.47. When suit was brought, Allen, on November 16, 1793, was obliged to give a bond signed by a resident of New York; Stephen Thorn, of Granville, going on his bond for £2000 (in New York currency, \$5000). Allen as security deeded to Thorn all his interest, about twenty thousand acres, in Swanton, and all his interest in St. Albans, Vermont. This deed was witnessed by Matthew Lyon and Silas Safford, and recorded November 23, 1793. Thorn gave Allen a quitclaim deed reciting why the first deed was given him, which was also witnessed by Lyon and Safford. When Allen obtained his loan in Boston, he sent his father-in-law, Roger Enos, to New York to sell the securities, which he did at about fifty per cent discount, and among other debts pay this one, which was done on June 30, 1794. Allen received a receipt in full from Brownson and notified Thorn; he should have at once recorded Thorn's deed to him, but for some unknown reason did not do so. This left the title of these lands in Thorn, and this carelessness later cost Allen heavily.

Allen in June entered into a contract for the erection on his farm of a large barn. The labor was to be paid for with scythes and axes at seven shillings and ninepence each and hoes at four shillings each, all manufactured at one of his forges. On the same day he leased, 'as long as water runs, timber grows or the sun shines,' a piece of land on which was to be built a fulling mill, dressing and coloring cloth in all its

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 298, Library of Congress and University of Vermont.

branches. On this land are now located the great mills of the American Woolen Company in Winooski. Thomas Butterfield was running Allen's mills in Swanton. Allen had written him to fill up a company of militia there and choose officers, and he as major-general would issue commissions. Butterfield did this and wrote him sending the names of the officers.<sup>1</sup>

War clouds between the United States and Great Britain were looming in the distance, for, on February 10, Lord Dorchester, Governor-General of Canada, publicly declared that he would not be surprised if there should be a war with the United States in the course of this year. On April 16, in a message to the Senate nominating John Jay as Envoy Extraordinary to Great Britain, President Washington stated that the aspect of affairs with that country was serious.

Lord Dorchester wrote to the British Minister in England from Quebec, April 26, 1794, 'It is reported that Vermont has offered to undertake the conquest of Canada, provided the troops were allowed to plunder the inhabitants.'<sup>2</sup> The old fear of Vermont still prevailed.

In response to the requisition of President Washington, under the act of Congress of May 9, Governor Chittenden, on the 21st of June, ordered the detachment of three regiments of Vermont militia, numbering 2129 men, 'be organized armed and equipt . . . and held in readiness to march at a moment's warning.'<sup>3</sup> The three major-generals to whom this order was issued were Ira Allen, senior major-general, Fletcher, and Tichenor, but already, on May 30, before this order was issued, General Allen had ordered the militia of Alburg and the neighboring islands, now constituting the County of Grand Isle, to be organized as an entire regiment, which surrounded the British garrison on North Hero. The British posts in the United States were steadily maintained, to the annoyance of our Government and people, but the discussion between the United States Secretary of State and the British Ministers was temperate until 1794. Edmund Randolph had succeeded Thomas Jefferson as Secretary of State. The dispute about the ownership of Alburg occupied a very considerable share of

<sup>1</sup> *Stevens Papers*, New York State Library; No. 297, Wilbur Photostats, Library of Congress and University of Vermont.

<sup>2</sup> *Canadian Archives*, Q-67, p. 191.

<sup>3</sup> *Tichenor Papers*, No. 2638, New York State Library; Wilbur Photostats, University of Vermont.

the negotiation between the two countries.<sup>1</sup> The conduct of Allen, whose ownership of it brought him forward, was, throughout the negotiations, conservative and temperate.

When war seemed imminent between the two countries, President Washington requested Governor Chittenden to procure information respecting the political situation of British America. Ten years before, he had doubted the loyalty of Chittenden and Allen. Chittenden knew nothing of Canada and applied to Allen, who declined to go to Canada, one reason being his active part in the Haldimand negotiations, but the strongest being that such a mission would appear too much like that of a spy and he would under no circumstances place himself in that position. Chittenden wrote Washington that Mr. Allen, through his large acquaintance in Canada, could obtain correct information without going there. This Allen did, but, more important to Vermont, he wrote three letters pointing out that, in case of war, the people living along the border were not the cause of the conflict and that, for the last three years of the Revolution, 'they were on terms of friendship, that the ties of consanguinity, old neighbors &c, existed between many of them.' He proposed that 'no scouting or plundering parties should be allowed to cross the line to injure the persons or properties of individuals, by order of the militia on either side, but to submit to the war, as directed by the respective nations.'

This truce was agreed to through the influence of the Honorable Hugh Finlay, of Quebec, Justus Sherwood, of Upper Canada, and Colonel Writer, commanding the militia in Canada north of Vermont. Sherwood, with whom Allen had carried on the Haldimand negotiation some thirteen years before, had not forgotten him. He wrote: 'The friendship which subsisted between us when young, and the official intercourse conducted with probity and candour on both sides, during the last years of the late war, leaves impressions on my mind repugnant to the most distant wish for hostility.' A fine tribute to Ira Allen's 'probity and candour.'

The British Minister, George Hammond, who will appear again in this narrative, put most of the blame for the strained relations between the two countries on Vermont. The cor-

<sup>1</sup> Vermont, *Records of the Governor and Council* (Montpelier, 1873), vol. 4, pp. 454-78.



response from Vermont, undoubtedly conducted by Allen (as he was the only one familiar with all the circumstances), is another exhibition of his diplomatic ability. When Secretary of State Randolph replied to Hammond's accusations, he quoted the entire letter signed by Governor Chittenden, concluding his letter with

This communication from the Governor of Vermont leaves no room for a comment on my part; although to contrast it, sentence by sentence, with the representations which have occasioned it, would afford grounds more and more striking, to apprehend, that the Governor General of Quebec has been mistaken.<sup>1</sup>

Lieutenant-Governor Simcoe, who had from 1780 to the present time exerted his influence, which was considerable, to have Great Britain use every means to annex Vermont to Canada, wrote, on August 5, to the British Minister in London:

Reported disposition of Vermont to enter on hostilities against Canada positively contradicted by people from there, who state that these [reports] are fabricated in New York to stir up enmity with Great Britain. . . . The people of Vermont would gladly embrace neutrality, so that their State might not become the seat of war.

He enclosed an article in the *New York Daily Advertiser*, of June 21, 1794, which stated, 'What ever be the fact, respecting the report of an action between the Americans and British, in Vermont, such an event may be expected.'<sup>2</sup> He also enclosed a letter from Mr. Jarvis, secretary, who alleged in it that he had spent the night of January 12 last with Governor Chittenden, Mr. Joseph Fay, Chittenden's secretary, being present. He wrote that Chittenden disapproved of the popular measures in France and that he said, 'if Congress takes a part in the war in favor of France I am sure Vermont will never accede to it but will make the best bargain they can for themselves.' Jarvis wrote that Chittenden sent his compliments to General Simcoe and wished him to be informed that the Governor and Council were of the same opinion as in 1781 when they were negotiating a union with Canada, and that Vermont had nothing to gain by entering into a combination to defend the sea-coasts; on the contrary, everything to lose, their commerce

<sup>1</sup> *Vermont Gazette*, August 15, 22, 29, 1794.

<sup>2</sup> *Canadian Archives*, Q-280-81, p. 271.

through Canada ruined. 'On the 14th January I called on General Ira Allen at Colchester who informed me that Vermont still adhered to their former sentiments with regard to their union.'<sup>1</sup> Jarvis failed to analyze those sentiments which in fact never had been favorable to the British. The Duke of Portland wrote, on November 10, in a letter to Simcoe (secret):

In stating these circumstances, I am nevertheless very well aware, that, under circumstances of a different nature, many advantages to this country and great disadvantages to the American States might be the consequence of attending to the present disposition of the Vermontese.<sup>2</sup>

John Jay concluded a treaty with England on November 19. One of the first and most flagrant violations of this treaty unfortunately was at the expense of Ira Allen. Commissioners were appointed by the United States to settle with England the question of the occupation of the military posts between Canada and the United States. One of the commissioners was General William Hull, whose appointment gave satisfaction to the British.<sup>3</sup> On account of the British violation of the Jay Treaty, Hull, through a chain of circumstances, was enabled to help wreck Allen's fortune.

France was angered because the United States requested the recall of Genêt as French Minister to this country, and requested the recall of Gouverneur Morris, our Minister to France. This was done and James Monroe, on May 17, was sent to France as Minister and was well received by that country. Both of these events had a dominating effect upon Ira Allen's future career.

Allen's influence upon Vermont's history and his place therein were plain to Samuel Williams, whose 'History of Vermont' was published in July of this year. He appealed to Allen in June that Chittenden was too busy to see him either at his house or at Williams's home in Rutland, and that the printer was insisting on having the manuscript. Williams wrote, 'the notes I had made immediately after you left my house; . . . I have inserted everything that you have mentioned to me.' He had not finished his manuscript and wanted any papers Allen could furnish.<sup>4</sup>

<sup>1</sup> *Canadian Archives*, Q-280-81, p. 269; Report, *Canadian Archives*, 1891, p. 34.

<sup>2</sup> *Canadian Archives*, Q-280-81, p. 275.

<sup>3</sup> *Ibid*, p. 199.

<sup>4</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 321, Library of Congress, University of Vermont.

At the September election in Colchester, Allen was elected Representative to the General Assembly, and, out of thirty votes cast for Governor he received eighteen, while Tichenor received seven and Chittenden, five. As he had never allowed his name to be used for Governor, these votes, though merely complimentary, were a distinct indication of the confidence of his fellow townsmen, and of the esteem in which he was held by those who knew him best.

The Council and Assembly met at Rutland on October 9. Chittenden was again elected Governor. One of Allen's first acts was to present a petition praying leave to bring in a bill appropriating the lands in the State, which had been granted to the Society for the Propagation of the Gospel in Foreign Parts, by Benning Wentworth, to the University of Vermont. Leave was granted and the bill was read for the first time. Four days later in a session of the Assembly and Council it was thoroughly discussed after having read the 'Treaty of Peace concluded between the United States and Great Britain in 1783.' Three days later the Council and Assembly resolved that these lands belonged to the State and on motion of Allen a committee was appointed to decide 'what use shall be made' of these lands. The State took possession of them, but made no decision as to their use.

The same year the selectmen of Manchester brought an ejectment suit against the Episcopal minister, which was tried at the October session of the United States Circuit Court and the decision handed down that the law was unconstitutional. The Legislature repealed the law in 1799. It was this society that in 1766 had induced the King and Council to prohibit New York from granting any more lands in Vermont. Had Allen or the Legislature of Vermont been aware of this great service of the Society to the State, it is doubtful if they would have made any attempt to sequester these lands.

Vermont had brought suit against Allen, as previously narrated, and, on October 25, he presented a memorial in which he stated that the Legislature in 1791 had instructed the Treasurer to pay him three hundred pounds, part payment of what was due him.

That by his attorney, he filed in the balance due to him, as late treasurer which amounted, with interest, to £680 and the Council [Counsel] on the part of the State by his plea, acknowledged that the



aforesaid sum was due to him; yet argued, as the State was not liable to be sued, no judgement could be rendered against the State; whereupon, the court gave judgement against him; that he appealed the cause to the Supreme Court, in August last, attended, but could not procure a trial; [Isaac Tichenor was Chief Justice of the court] and under these circumstances, requests the legislature to point out some equitable method for a settlement of all accounts between the state and himself.

After a short debate the memorial was referred to the next session of the Assembly. They later, by a vote of seventy-six to thirty-nine, granted a stay of any further proceedings against him until the Assembly met in October, 1795. He petitioned to have a committee of three named to make a final settlement with him. The Legislature appointed him one of three to name the committee; the three men named were accepted by the Legislature, but when sent to the Council for concurrence they returned it with the addition of Isaac Tichenor, which the Legislature accepted. It was well known that Tichenor was a bitter enemy and this addition showed plainly that a majority of the Council also were unfriendly to Allen.

Early in November, Allen was called from home. The instructions for managing his affairs in his absence were written at night, and left for his brother-in-law, Roger Enos, Jr., to carry out. They picture his many activities and difficulties:

In the first place in the morning get Gilder to acknowledge the deeds. Then take possession of the farm in my name, on both sides of the river. If Gilder's people wish to improve part of the farm encourage them in it. If you see Capt. L. Roberts of Fairfax let him know that he can have part of the farm the ensuing year. See Col. Benj. Holmes, Collector of Georgia. Take a list of the sales [for taxes] with their dates. Should I not return lodge with Col. Holmes £30. and take his receipt to apply to any rights in my list and let them know that I am gone to Albany to get Joseph Allen [a son of his deceased brother Heber] out of jail and shall soon be there to complete a settlement. As to the school lands when you see Col. Holmes tell him that I am willing to do well by the Town as to them lots but shall not consent to the present pitches, and to save trouble wish them not to lye [locate] them till I am in town which you expect on the 19th or 20th inst. As to Allburg suppose Smith or Butterfield has got the list of sales, the lands sold in April or fore part of May must be redeemed and a certificate from the Collector when the remainder was sold that no advantage be made by any tricks of theirs by altering and let these matters be effected without delay. You will see Coit at

St. Albans, carry his note and get as much money as you can. Jerico must be attended to on the 15th Inst. Lodge money with Mr. Rood who lives beyond N. Chittenden to redeem any lands that the redemption may be then out contained in my list of names or list of lots that I have not given Vendue deeds of, Except the lands I sold Genl. Spafford and he sold to New York. . . . If after compleating these matters you can let Mr. Gilder have £30. or so if he will consent to relinquish Frank or both horses. If that wont cover the business, try some other plan. Induce him to consent to leave Frank, he is too good a horse to sell.<sup>1</sup>

Allen's team of horses evidently had been attached, but that did not deter him from going to obtain Joseph's release from jail. Joseph had written a pathetic letter to his uncle, informing him of his arrest, 'And shall most assuredly spend the remainder of my days in this lonesome and desolate place, wearing and ever to wear the galling chains of a prison, fatherless, moneyless and without friends that have property to relieve me.'<sup>2</sup> Allen had aided him often before, but he could not refuse this appeal, and so started on a three-hundred-mile ride on horseback. A letter from William Palmer, dated November 29, begging General Allen to help 'Joe' out, 'dis-pise his past, conduct, but do not dispise his humility, pray, sir, consider his family.'<sup>3</sup> It needed the small sum of one thousand pounds to help 'Joe' out, a sum almost as impossible for Allen to raise as it was for 'Joe.'

Following this financial difficulty of Joseph's came a tangled knot connected with Ethan Allen's estate, in the shape of a strong letter from Samuel Huntington, urging Allen to pay him a sum of money or give him his note. Allen offered to pay in land, but declined giving his note; he had given too many notes. Huntington wrote, 'General Allen, I am a real friend of yours and as such I am afraid your excuses are only to avoid payment.'<sup>4</sup>

Allen's business interests were so extensive that he was compelled to keep moving, either backward or forward, and he chose the latter. He built houses and mills, bought and sold lands, contracted for timber clearing and proceeded as though he had all the funds he needed. It was the only safe thing to do; if he had curtailed any of his activities, the whole would

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats No. 300, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, Wilbur Photostats, No. 333.

<sup>3</sup> *Ibid.*, No. 334.

<sup>4</sup> *Ibid.*, No. 332.

have tumbled about his ears like a house of cards. He was always solvent, but, with a war impending, sufficient money was not to be had.

Allen had given to the University of Vermont fifty acres covered with stately trees on which to erect the college buildings. Early in the spring he furnished the materials and the first building of the University of Vermont was begun. This building was forty-eight by thirty-seven feet, two stories high and known in later years as 'the old Yellow House.' It was burned down in 1844.

His liabilities were rapidly increasing, and his debt pressure becoming such that in order to avoid the debtors' prison, some new venture, in which the returns would be large, must be undertaken. There were few opportunities of this nature in New England, and Allen had canvassed the New York and Boston money market, obtaining some funds at a high rate of interest. Europe seemed now his only recourse.



## CHAPTER XXIII

### THE TREASURER'S ACCOUNTS AND THE JOURNEY TO EUROPE

1795

THIS year (1795) financial activities and worries multiplied. Allen owned ten thousand acres covered with virgin pine, had seven sawmills in operation on these lands, and was forced to extended efforts to keep his different enterprises in motion. Heavy worries were caused by lack of funds with which to meet many demands made on him personally and as executor of the estates of Ethan, Heman, and Zimry Allen as well as that of Remember Baker. One obligation that caused him anxiety during the year is best described in his own words:

Before the death of Heman, in 1778, I gave a Bond to him, on being appointed Executor on his will, and his deeding extensive tracts of lands in Vermont to me, to convey to his only surviving heir, Lucinda Allen, certain land equal in quantity and quality with other lands, when she arrived to the age of eighteen years. Said Bond also contained conditions respecting Ethan Allen, or his heirs, in case he should not live to return from Captivity, as he was then a prisoner to the British in New York; and to make certain settlements with the heirs of Capt. Remember Baker, deceased. It is to be observed, that this bond respected three estates. That the conditions of penalty was thirty thousand pounds, Connecticut currency, then a little depreciated.<sup>1</sup>

Lucinda had married a Mr. Catlin, who had demanded a settlement of Allen, and, because he could not secure it at once, commenced a suit in the United States Circuit Court for the sum of thirty thousand pounds on April 28. John Jay was Chief Justice of the United States Supreme Court and presided over the court that heard the case at Windsor, Vermont.

Fraser & Young, of Quebec, had brought suit against Allen in New York and the trial was to take place on the third Tuesday in January. He supposed that he had paid most of his note given to them, but it developed that a large shipment of boards that he had made July 18, 1789, to be credited on

<sup>1</sup> Allen's *Copies of Letters* (Philadelphia, 1810), p. 19.

the note, was credited on his open book account with them. Thorn had signed his bond given in this suit. Allen's lawyers had the case postponed to April, then to September, as it had been impossible for him to attend.

Another strain on his finances was caused by the necessity, to protect himself, of bidding in at this year's tax sale many farms he had previously sold on long-time terms. This involved the payment of all back taxes which had been defaulted by the former purchasers. It was the part of wisdom to do the bidding at these tax sales through an agent and he thus re-acquired the St. Albans lands he had sold through the agency of Silas Hathaway, who bid them in for him.<sup>1</sup>

Many of the settlers called on Allen for help. No week and hardly a day passed that he was not solicited for a loan or to obtain postponement of a lawsuit. He was the one man whom all old Vermonters knew; supposed to be rich, and known to be kindly. His home was seldom free from visitors, favor-seekers, and those with whom he did business.

In February, Allen took over the Milton lands and water-powers from Noah Smith, and agreed to build a gristmill, dwelling-house, and barn in Milton to fulfill Smith's obligation to the town, bonding himself for eight hundred pounds to insure their completion.

Allen's nephew, Finch, who had made a failure with his partner in New York, now decided to go to Europe and endeavor to obtain goods to start a business in Boston. He sailed from New York January 11, landed at Cork, Ireland; and went from thence to London, his journey from Cork costing him twenty guineas. In London he met Colonel John A. Graham and General Cogswell, of Vermont. Graham plays an important rôle in this narrative during the next ten years. He was born in Southbury, Woodbury Township, Connecticut, June 10, 1764, located in Rutland, Vermont, about 1786, and practiced law before the court there in 1792. In 1794, Governor Chittenden placed him on his staff as lieutenant-colonel. Soon after, he went to England, claiming to represent the Episcopal Church in Vermont. Meeting the Reverend Samuel Peters, formerly of Connecticut, and soon learning, as had Levi Allen, that Peters was ambitious to return to Amer-

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Nos. 339-40, Library of Congress and University of Vermont.

ica as a bishop, he convinced Peters that he could secure his appointment as Bishop of Vermont. He then obtained from Peters introductions to many people in London. While there he wrote and published a series of letters, describing the soil, climate, and people of Vermont, which he dedicated to the Duke of Montrose, claiming him as a distant relation. In this and other ways he induced the Royal College of Aberdeen to confer on him the degree of Doctor of Laws. Graham, in March of this year, met the Duke of Portland, Lord Grenville, and others in power on Church of England Matters. This acquaintance was utilized by him later in discrediting Ira Allen. Graham's letter to Peters, July 18, when he sailed from England for America, is not without a humorous touch, in the light of the money he borrowed from the Reverend Doctor, which he never repaid: 'I humbly request the interest of your prayers for me whilst I am on the seas, and whilst I am absent from you; and should we now part to meet no more in this changing scene — farewell — till we meet in the third heavens.'<sup>1</sup>

During the summer Allen bought and sold many farms, made contracts for clearing his lands and for the building of two new mills; one of them for making cloth at Shelburne, for which he agreed to furnish the necessary dyes. He became interested in the scheme of Ebenezer Allen and his friends to form a company in Vermont to buy Western lands from the Indians. Ebenezer went out to Detroit, and Ira's share in the enterprise developed into that of the moneyed partner who was expected to supply funds whenever called upon.<sup>2</sup>

He was not able to release from the Albany jail his nephew Joseph, who writes March 30:

I have just received a letter from you with a heart overflowing with gratitude and Bennevolence . . . Your advice to me to take the benefit of the insolvent act I believe to be good. I am now taking my second degree at College and do suppose I have learnt more of human nature since I have been in this confinement, than I ever learnt in my life before. I have been five weeks closely confined to one room and then I had the fortune to get the liberty of the yard to my great joy and satisfaction. . . . Finch was here in the fall and informed me privately that he was going to England for good. I wish to be informed whether it be truth.

<sup>1</sup> Graham's *A True Copy of the Proceedings*, p. 46.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.



He subscribed himself, 'Your very humble servant and nephew in Limbo.' His uncle had offered him employment if he would come to Vermont.

Joseph Allen, father of Ira, was one of the original proprietors of the Susquehanna lands in Pennsylvania. They comprised what is now the anthracite coal section of that State. Savage, from New York, now visited Allen for the purpose of buying his claim and the claims of the heirs of his brothers to that property. After seeing Allen, Savage met Samuel Hitchcock, who married Ethan's daughter. Hitchcock, a lawyer, wrote Allen from Rutland, May 9, 'You have made a most unfortunate bargain if he tells me the truth; I wish if possible you would recall it.'

On June 6, Allen sent a form of lease, to be used in leasing the lands of the University of Vermont, to Samuel Williams, printer of Rutland, and ordered twelve hundred copies. 'Leave large blanks, some of the lands are to be leased for beef, pork, butter or cheese delivered at the University.' In the same letter he gave Williams much information about Ethan Allen's life after he came to Vermont.<sup>1</sup>

Israel Keith, adjutant general under General Heath in the Revolution, left Boston after the war, locating at Pittsford, Vermont, where he erected ironworks on land which he purchased of Allen on June 26, agreeing to pay him with iron and 'hollow ware' manufactured by him which was to be delivered at Allen's house.

Allen apparently made up his mind, early in 1795, that he would go to Europe if he could arrange it, for in July and August he leased all of his sawmills and forges that were not under lease, and entered into many contracts for getting out timber the following winter. At this time he had in his name some three hundred thousand acres of land, but some of this property belonged to the estates of his deceased brothers. He had, unsuccessfully, endeavored to settle with Catlin by liberal offers of land, and now allowed him to proceed with the suit, believing that when it was finally tried he could produce evidence that would insure a fair adjustment. Here again his confidence was ill-founded; the case was tried during his absence and cost him dear.

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.

Allen's necessary absences from home obliged him to leave many details of his business to the management of others. Levi complained that Ira was too trustful and did not often select his managers with judgment. He was generous in extending credit to new and old settlers, who did not always pay; he furnished the lumber to build most of the new houses and took notes on long time. He declined to serve as Representative from Colchester for the coming year and in September was called to Boston on business.

The annual meeting of the Vermont Legislature took place at Windsor on October 8. Chittenden was again elected Governor. The last session had designated the sixth day of this present session, October 13, for taking under consideration Allen's memorial for a settlement of his accounts as Treasurer. On that day, Allen not being present, his memorial was dismissed. He arrived at Windsor the afternoon of the 13th, having ridden from Boston, about one hundred and fifty miles distant, in two and a half days. On the 17th, at his request, his memorial was reconsidered, and on the 20th, after a statement from him, it was referred to a committee composed of one member from each county. On the 22d, the commissioners appointed at the session in 1794 to settle the accounts of the present Treasurer made their report and, in addition, the following: \*

*Dr. The State of Vermont, in Account Current with Ira Allen, Esq.  
Treasurer of said State.*

Dr. To the notes in the treasury, received, as by the settlement made with Mr. Allen, 25th April, 1787,	£14,277. 3. 11
To Hard-Money-orders in the treasury, as per ditto	4,345. 5. 6
To the amount of State-notes, and hard money orders issued by Ira Allen, and since purchased by the present treasurer	13,606. 11. 7
	£32,229.-1. 0
Cr. By the amount of state-notes issued by Ira Allen, as by report of Auditors, 25th April, 1787,	24,750. 7. 8
By the amount of hard money orders.	6,198. 7. 8
By balance due the State	1,280. 4. 9
	£32,229. 1. 0

As the settlement with *Mr. Mattocks* includes a number of notes and orders which had been issued by the late treasurer, *Mr. Allen*, we conceived it our duty, for the information of the Legislature, to make a statement of so much of the settlement with *Mr. Allen*, in

\* Vermont, *Assembly Journal*, 1797, p. 124.

April 1787, as respects the amount of the state-notes and orders which he then charged himself with. By that settlement compared with the amount of his notes and orders since received into the treasury, it appears, that the state has purchased in the sum of £1280:4:9 of his notes and orders more than he charged himself with.

ISAAC TICHENOR	} <i>Commissioners</i>
ROSWELL HOPKINS	
DAVID WING, JR.	
AMASA PAINE	

WINDSOR, Oct. 13, 1795.

On Monday, October 26, the day before adjournment, Jonathan Robinson, of Bennington, who opposed every act in any way favorable to Allen, reported for the committee appointed to agree on a mode to settle the accounts of Allen:

That having repeatedly conferred with General Allen on the object of their appointment, they have not been able to unite with Mr. Allen, in any mode for the settlement of said demands, which they conceive to be either eligible or honourable. Whereupon, Mr. W. C. Harrington moved, that Mr. Allen have leave to introduce, in writing, the following communication — which was granted — and is as follows:

*To the Honorable General Assembly convened in Windsor.*

Mr. Allen begs leave to state, that he is yet unfortunate in a settlement with the State: That he has had several conferences with the Committee of the legislature; and notwithstanding many respectable gentlemen have been nominated [as arbitrators] on both sides, yet your committee have accepted of but one that I have nominated, and I have agreed to one that they have nominated. Your committee agreed the number of commissioners [Arbitrators] should be *five*, Consequently there [three] are wanting in the present stage of the business: I am doubtful whether they will be agreed on: That my views may be known respecting these matters, and as little time spent as possible in the honourable house, I make this Communication in writing. These disputes have subsisted so long, and at some times have been so violent, that party prejudice has drove to that height, that most men of consequence in this state have given an opinion, or interested themselves in some way respecting said settlement; besides, popularity is to be taken into consideration, which makes it extremely difficult for the committee and me to agree on commissioners. These attempts more fully convince one observation of the propriety and justice of appointing Commissioners out of this state; when I contemplate the laws of wise legislature, both of Europe and America, they have made provision that men interested, and that very remotely, shall not be jurymen; for instance, should the town of Windsor be sued for five pounds, no inhabitant of the town could legally sit as a jurymen. If the laws of this and other well-regulated governments have made such provision for impartial justice, how much greater Claim have I on the justice of the legislature, when every man in this state is interested. Popularity and party prejudice bears a great share in these disputes. It is said to be dishonourable for the legislature



to submit any disputes between the State and an individual Citizen, to commissioners out of the state. Why is it dishonourable for the legislature to do justice, more than individuals? And why ought not the legislature to make equitable settlements with those they have employed to do business for them, as much as a company of merchants? What reason can be given, why the legislature shall judge in their own cause, and not submit differences to disinterested men? They are the contracting party on one side, and, however honorable or respectable they may be, yet in contracts they are but one party, and as such ought to submit differences of this magnitude to disinterested men. It is urged, that there are no precedents of disinterested men being called by the Legislature of any State to settle differences in a State: The legislature of this state, appointed Commissioners from the State of Massachusetts, to stick the stake for the court-house in the county of Chittenden; and the reasons given for it were, that the counties in this state were in such a strife respecting county lines and court houses, that it would be extremely difficult to get a disinterested committee. Will not more cogent reasons apply in the cause now under consideration. In conversing with one of the honourable the senators of the state of New Hampshire, he told me of a cause that will apply directly to the case in question. His certificate is in the words following, viz. 'In a cause subsisting between the state of New Hampshire and Robert Smith, agent for said State, I hereby certify, that the Legislature of said State of New Hampshire agreed to refer the dispute, and all demands, to referees to be chosen from a different State. James Magregore. Windsor October 23, 1795.'

On examining the reports of the Commissioners of this State, in my absence, when in settlement with treasurer *Matlocks* in October instant they found a mistake in my settlement of £1280-4-11; this, added to £558-4-11, which is the sum (if I mistake not) Mr. Tichenor reported I owed the State in 1792, would make £1838-9-8 a sum well worth the attention of the legislature. I ask no favour from government, but an equitable settlement. Notwithstanding these statements, I am of opinion, there would be a sum due to me, on a fair and candid settlement. Whether I am in debt to the state, or the state to me, there ought to be an equitable settlement for the satisfaction of all concerned. Is it not a mystery in politics, that the state should be so loth to come to a settlement with me, when I owe them such large sums. What will the good and discerning citizens of this State say on examining these matters, if some reasonable measures are not taken for an equitable settlement. I do therefore suggest for the consideration of the honourable House, that an act of the legislature be passed, appointing Commissioners out of this State, (by mutual consent,) for a final Settlement of all accounts, claims and demands between the State and me; and I pledge myself, that I will give a sufficient bond, with surities, to the treasurer of this State, to abide the determinations of such Commissioners, after a fair hearing. Should the honourable House be of opinion, that it was too late in the Session to make an act, and appoint Commissioners, as aforesaid, in that case have to request, that all matters between me and the state be referred to the next session, in the same Manner they were last year, and an early day Assigned in the Session to take up said business on the principles aforesaid.

IRA ALLEN<sup>1</sup>

After some 'conversation' it was ordered referred to the next session of the Assembly. At the session of 1796, the day

<sup>1</sup> Vermont, *Assembly Journal*, 1795, p. 149.

before adjournment 'The memorial and Communication of General Ira Allen, referred from the last session of the Assembly. On motion of Mr. Linsley, was read and dismissed.' No attempt was ever made by the State to collect what Tichenor claimed Allen owed to it. This was his last appeal for a settlement. It was entirely a party matter. The Federalists were in control of Vermont as well as of the United States. It would have been far better, as the sequel showed, for Allen to have paid the sum, about four thousand dollars, but he was fighting for a principle. During the turmoil of this session he offered the university a large sum, under certain conditions, but little notice seemed to have been taken of this. Years later his supposed indebtedness to the State was used against him and occasioned the loss of many times the four thousand dollars now involved.

Allen's memorial regarding the changing of the name of the university was referred, on October 14, to a committee composed of one member from each county, to be joined by members selected by the Council. This committee, under the influence of Jonathan Robinson, of Bennington, who was a member, brought in a report on the morning of the 22d, stating:

That in October, 1793, he [Allen] preferred his petition to the Legislature for altering the name of the 'University of Vermont,' to 'Allen's University'; in which petition he offered to fund the interest of *one thousand pounds* on land, by deeding fifteen hundred acres of land to the corporation of said university. In consequence of which, the act No. 1 passed the House, and was referred. 'Your memorialist further states, that, being desirous to contribute to the funds of said University, assist in the beginning a library, &c. he will sign the bond inclosed, No. 2, in case the Legislature will pass the Act, No. 3, into a law.' Made report, That, in their opinion, the consideration of said petition be referred to the next session of the Legislature. Which report was read and accepted.

This was an easy way for Robinson to dispose of it. Allen knew quite as well as Robinson how to handle a Vermont Legislature. In the afternoon the vote was reconsidered and the memorial was referred this time to a committee of five to be nominated by Roswell Hopkins, Secretary of State. Three were selected from the east side of the mountains and two from the west side, with Jonathan Hunt, Allen's old enemy, and Samuel Williams [not Dr. Williams] from the Council.

The committee made its report on Saturday, October 24:

Your committee are of opinion, that the donation is a liberal one as it now stands; but not agreeable to his offer, and what is represented by this act: Your committee are satisfied in the securing of that part of the donation that is to be appropriated for the use of a library; but the remainder we consider may be attended with uncertainty, and no way equal to what said Allen would have represented by this act as the reasons for altering the name of said University. Your committee are of opinion, that Genl. Allen does not comply in the securing of the sum agreeable to his representation; that the prayer of his memorial ought not to be granted.

The report was accepted and Allen given leave to withdraw his memorial.<sup>1</sup> This established the name of the University of Vermont.

John A. Graham attended the Legislature procuring the passage of an act giving him the exclusive privilege of 'smelting and mining all the *gold, silver* and other ores mined in Vermont for the term of thirty-five years.' The State was to receive one twentieth of the 'net' proceeds. Graham never attempted to extract any ore from the Green Mountains, but he did extract a considerable amount of gold and silver from people to whom he sold stock.

Before the Assembly adjourned, October 27, it appointed Isaac Tichenor auditor to settle with the present Treasurer. He was Chief Justice of the Supreme Court, and should have been far above accepting such a position; but it kept the Treasurer, an influential officer, more or less under his control and was valuable in a political way.

The day the Assembly adjourned, before Governor Chittenden left Windsor, he signed the following certificates beautifully engrossed by Thomas Tolman, who probably did the work under Allen's direction and dictation. Considering the slight experience Allen or any one in Vermont had in such matters, these are creditable in form and wording:

*To all people to whom these presents shall come, Greeting.*

Know ye, that I, Thomas Chittenden Esquire, Governor, Captain General and Commander in Chief in and over the State of Vermont and (*ex officio*) President of the University of Vermont; do hereby in consequence of the known Liberality of certain pious religious Societies, established for the patronization of Infant Seminaries and

<sup>1</sup> See Appendix, 1795.



civilization, and the Charitable Dispositions of private Individuals among the wise and learned people of Europe; nominate, constitute and appoint Major General Ira Allen Esquire, of Colchester, County of Chittenden and State of Vermont and one of the board of Trustees, Agent to said University, and in his name as agent to solicit, ask for and receive any donations either by Gift, Grant, Purchase or devise, in real or personal estate, for the use of said University.

Trusting and hoping that his pious and Liberal exertions, in wishing and endeavoring to sow the seeds of Erudition and civilization in the wilds of America, may be crowned with Laudability and success and that the scientific knowledge gained by this charitable Institution will reflect honor to the latest ages of posterity, remain a lasting monument of pleasing approbation to its worthy Donors, and a bright example of useful Charity.

Given under my hand and to which I have caused my seal and (*ex officio*) seal for said University to be affixed at the Council Chamber in Windsor, in the County of Windsor and state of Vermont this 27th day of October 1795.

THO<sup>S</sup> CHITTENDEN

The Governor also furnished Allen with the following credentials:

*To all People to whom these Presents shall come, greeting:*

Know ye, that the bearer hereof, the Honourable Ira Allen, Esquire, of Colchester, in the State of Vermont, in North America, having a disposition to go to Europe, I can say he is esteemed a gentleman of honor, a man of business and distinction, and has, in this State, a large landed property; was late a member of the Council of State, and Treasurer, Trustee of Loans, Surveyor General, member, and Secretary of the Board of War, agent to the Congress, to the General Courts of New Hampshire, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and Missioner to the Commander in Chief of Lower Canada, to settle a cartel for the exchange of prisoners, to settle a truce, &c. and now first Major General of the Militia of this State, and one of the Corporation of the University of Vermont . . . All which offices and missions he has discharged with honor and fidelity, which has contributed much towards the establishment and interest of this government.

Given under my hand and seal of this State, at the Council Chamber, at Windsor, this 27th day of October, 1795.

THO. CHITTENDEN  
Governor

By his Excellency's command.

TRUMAN SQUIER, *Secretary*.

*To all people to whom these presents shall come, greeting:*

Know ye, that the bearer hereof, the Honorable Ira Allen, Esquire, of Colchester, in North America, having determined to visit the republic of France, I can say he is esteemed a gentleman of hon-

our, a man of business and distinction, and has been one of the principal founders of this government; that he is now first Major general of this State, and is requested to purchase arms and other implements of War, for the use of the Militia.

THO<sup>S</sup> CHITTENDEN, *Governor*

WINDSOR *October 27, 1795*

The purchase of arms for the militia may be assumed to be his main reason for going to Europe. He did take a sworn statement, signed by Orange Smith and Solomon Miller, both notaries, as to the amount of land owned by him in Vermont. This was to help him establish his credit and assist him in interesting English and French capital in Vermont lands. He had still another object and that was to induce the British Government to authorize the building of a canal connecting Lake Champlain with the St. Lawrence River, and to settle a schedule of tolls that would insure a fair return for capital invested in the canal, providing the British Government did not build it.

The Vermont militia, as well as the militia of other States, were poorly equipped. The previous year, when Allen as major-general had reviewed the troops, many carried broomsticks and cornstalks in place of muskets. He then made the statement that he would never review them again until they had guns. Under the law each soldier had to furnish his own gun. Muskets with bayonets at this time sold for about fourteen dollars each. Allen saw a chance for a possible commercial transaction, that, if successful, would liquidate all of his debts, which, as near as can be estimated, seemed to have amounted to about fifty thousand dollars, a half of which was balanced by his bills receivable in the form of notes and contracts. If he could buy ten thousand stand of arms and sell them at a profit of five dollars each, he could pay all of his debts. The Vermont militia could take this number and, if he could buy more, New York and other States adjoining Vermont would take the remainder. It was a fair prospect, but in his case an unusually bold conception, for arms then could only be obtained from foreign governments, and governments generally sell, if at all, for cash.

The journey he was about to make was not without danger; how the British would receive him after the Haldimand negotiation and last year's controversy concerning the town of

Alburg was questionable. Levi had, by his actions and the debts he had contracted in London in 1789-90, prejudiced the Government and many individuals against any one from Vermont, especially a brother whose name Levi had freely used.

He left Vermont in November,<sup>1</sup> accompanied by Heman, his adopted son of sixteen years, whose prominence later was largely due to the training he received from his uncle. Heman, of all the relatives, showed appreciation and gratitude. They rode to Boston and lodged with Mrs. Gray, who kept a hotel on State Street. John Finch, another nephew, who had returned from Europe, joined them. John A. Graham arrived in Boston at about this time, empowered by an Episcopal Convention held at Rutland, November 13, to repair to London and take measures for the consecration of Dr. Peters as Bishop-elect. Graham had told Dr. Peters he could secure his appointment as Episcopal Bishop of Vermont, which would insure his consecration. Graham had then returned to Vermont and reversed the problem by making the Vermonters believe that he could have Peters consecrated if they would elect him their Bishop and appoint Graham as their agent in the matter. It was sharp practice, for he must have known there was no possible chance at that time of having another Bishop appointed in North America.

In Boston, Graham introduced Allen to General William Hull, one of the commissioners appointed by the United States to settle the dispute with the British in respect to the frontier posts. Hull was very friendly toward the British and had just returned from England and France. When Allen informed him that one of his missions to Europe was to buy arms for the Vermont militia, Hull became interested and was with Allen almost constantly for two weeks before he sailed. He advised him to go to France to buy arms, as the French, who were at war with England, had captured many muskets and cannon from them and having no ammunition to fit these guns they would undoubtedly sell them cheap.

Allen met Colonel Willett, of New York, who also advised him to try France before buying arms in England. While Allen was preparing for his journey, General Jonathan Spafford, of Williston, and General Eli Cogswell, of Castleton,

<sup>1</sup> No papers dated by him from home, later than November 15, have come to light.



Vermont, visited Boston, and both urged him to buy arms, as the militia under their command were much in need.

The result of his intimacy with Hull was the negotiation with him of a loan, on December 5, of four thousand pounds sterling, twenty-five hundred pounds to be paid down in English gold coin and two drafts drawn on men in London, who were, as stated by Hull, indebted to him; one for one thousand pounds, the other for five hundred pounds. Hull further agreed to furnish a certain amount of dry goods, presumably to help stock the store Finch was about to open in Boston, and to pay any drafts Allen should draw on him, not to exceed thirty thousand dollars in all. As evidence of the obligation, Allen signed a note for thirty thousand dollars and as security deeded to Hull forty-five thousand acres of land in Vermont. This note and deed, with a quitclaim deed from Hull reciting that Allen's warranty deed was given as security, was deposited with a third party, with an agreement by Hull that, when Allen had repaid him one half the total amount finally due him, he would release the lands by giving the third party holding the papers written instructions to deliver the quitclaim deed to Allen. This meant that Allen, when he received the gold, would owe Hull (calling a pound sterling five dollars) twelve thousand five hundred dollars. If the drafts on London were paid, he would owe him twenty thousand dollars. If Hull furnished Finch with say one thousand pounds sterling worth of goods and if Allen from London drew on Hull for one thousand pounds sterling, he would then owe Hull thirty thousand dollars, the amount of his note. It was a crude letter of credit differing only in form from our present method. The draft for one thousand pounds given by Hull, when presented in London by Allen, was refused. The five hundred pounds was paid. Hull furnished no goods to Finch or Allen and Allen did not draw on Hull from Europe; thus Allen owed Hull three thousand pounds sterling, or fifteen thousand dollars. A short description of the property securing this sum will give a better understanding of the great loss Allen was later to sustain. Fifteen thousand acres were in Colchester bounded about five miles on the Onion River and eight miles on Lake Champlain. In Essex eight thousand acres were bounded for about five miles on the Onion River. In Burlington ten thousand acres were bounded about six miles on Onion River and five

miles on Lake Champlain. In Shelburne five thousand acres were bounded on Lake Champlain and the river La Platte. In addition, it covered 'all the buildings, privileges and appurtenances to the same belonging.'<sup>1</sup> Allen, as usual, had been too generous in his security; or possibly it was necessary to obtain the money. The property was worth at a low valuation even in those times five dollars an acre. It was his choicest land. He had safeguarded it, as he supposed, by depositing all the papers to be held in escrow by a third party; the only error he made, if it can be called such, was in not depositing it in a bank.

To get the twenty-five hundred pounds, or ten thousand dollars in gold coin to London and later to Paris in those days, when England and France were at war, was a dangerous problem. He could not take drafts on London, for he would not be allowed to take gold from England to France. To take drafts on France, before he knew whether he could buy arms there, would be impracticable. He purchased a strong trunk, had a false bottom put in it, and packed two thousand pounds, wrapped so it would not rattle. The five hundred pounds he carried in a belt and in his pockets.

In a letter to the Reverend Samuel Peters from Boston, on December 4, Hull wrote, 'Mrs. [John A.] Graham during the absence of her husband the past year has been . . . several gentlemen; Dr. will get a divorce.' He informed Peters that Graham was returning to London and added:

General Allen accompanies Dr. Graham. He is a gentleman of the first respectability in this country. He has sustained for many years the first Honors in Vermont and may with propriety be considered as the Father or Founder of that state. A great part of it at present belongs to him. You will find him a sincere friend and generous patron.<sup>2</sup>

On December 4, Allen wrote the following letter to his brother Levi:

BOSTON, Dec. 4, 1795

DEAR BROTHER

Next Sunday I sail for London. If you have any business I can do for you please advise me and I shall find your letter in the general Post office. I am of the opinion that lands will be Valuable in Canada, in case you can get the Charters Completed. By my observations think that Government there are not fond of having Americans

<sup>1</sup> *Diary*, John Fay, University of Vermont.

<sup>2</sup> *Episcopal Archives*, 281 Fourth Avenue, New York, vol. 1.

amongst them, lest a revolution should be put on foot by them. On this head believe you and others will be delayed in the completion of them matters. I expect to return in the course of the summer. And place much dependence on a prosperous voyage. To insure it have made, in spite of my enemies, good preparations which you know are necessary in a foreign Country. I have left the question respecting Frazier & Young in the law in the Supreme Court of New York. That debt Coit and you ought to settle; after every misfortune that has happened, it is hard for me to pay any more of your debts. You know what is right between us and that is all I want. There is but two brothers that survive; you have also been unfortunate in your family. Life is short at best, let us therefore make the best of it; our family have been too ambitious, for domestic repose, we have property why shall we not then settle all matters and make the best of our stay on earth. For myself I am unwilling to believe that we cant, . . . with these views I sail for Europe. I expect to visit different parts before I return.

Your most obedient Hum<sup>ble</sup> Serv<sup>t</sup>

IRA ALLEN

P.S. Please to enclose to Mr. James Loramer No. 340 in the Strand London at that house shall take my lodging.<sup>1</sup>

This is the last letter he ever wrote to Levi. Little did he dream of the misfortune that was about to overtake him. Six years elapsed before he returned, and they were years of trials and suffering.

Allen writes of his plans to his friend Stephen Pearl, sheriff of Chittenden County, and takes the occasion to let his friends in Burlington know he is off for Europe.

BOSTON, *December 7th 1795*

I have been some days in this place and find money beyond all calculation scarce. I have sent some to Mrs. Allen for you and others, and, as soon as goods can be sold, more will be sent. [These goods were from Finche's stock bought with money his uncle had loaned him.] . . . I am unfortunate in cash, yet permit me to assure you I have been fortunate in every other matter. I sail for London on Wednesday next with Capt. Scott, You will think it hasty, yet I assure you it is a calculation I have had in contemplation for some years, but different figures in Europe and at home have detained me. I omitted to inform my friends and did not choose to acquaint my enemies, yet I am well prepared. I have the best of letters and documents from Vermont stating my property &c. I have also letters from the first characters in this vicinity to the first in Europe. Besides I have procured Bills on London payable in thirty days to a large amount; these will insure my success in different parts of Eu-

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.



rope. Indeed I am as certain of it as of my existence. I feel myself beyond the reach of my enemies, poor D—n—d s—s, any statements they can send will appear like envy &c. Calm deliberations will yet govern me. I am not elated with success nor cast down in adversity; this world is a stage and each one have a part to act and in some measure choose their part; for myself, think I have taken the long Scale and if I live long enough shall accomplish it, on my arrival in Europe shall lose no time in endeavouring to find what consistant measures will contribute most to my honor, interests and future prosperity and amongst all other objects shall without delay make some arrangements that will to advantage discharge all demands against me and think I can do it. . . . The Atlantic appears to me like a small lake that might be easily crossed in any ship, yet prudence and a satisfaction to Mrs. Allen has dictated to me to go with Capt. Scott who has the best ship that sails from this port and has crossed the Atlantic 114 times with out one mistake or missfortune. That Being that has preserved me through so many storms in life will I am confident yeald His protecting arm to waft me from and to my native shore; when it will be in my power to rejoice with my friends and laugh at my enemies. This is looking into times yet to come as a child reads a horn book. As to business, shall depend on you to take charge of my farming business in Burlington and leave it all discretionary with you for the ensuing year. Any matters that respect me as executor or Administrator, if the creditors Choose lands they may have their pay in lands, if they want other pay I shall be amply prepared to pay them on my return, and if I find business is like to detain me long in Europe shall send property back for such payments at any rate shall as soon as possible pay all demands against me and where any have waited on me and it has been to their disadvantage I will make them compensation above the interest on their money till disinterested men shall say I have done honorably. I do not feel such anxiety for property as to be unreasonable, but you know it has not at all times been in my power to do as I would. You are not insensible of the combinations that have formed against me and my conduct for some years past, it will therefore be needless to make any further comments on this subject. You may be assured that in case any bills of costs &c are made against you or any of your deputies on my account that such costs will be paid by me and that right shall be done. On my arrival in London shall write you again. Please to give my best Compliments to Mrs. Pearl with my good wishes that Mrs. Allen and she may have some agreeable [hours?] and spend their time pleasantly till the return of your old friend and very humble servant<sup>1</sup>

IRA ALLEN.

The holidays were spent on the ocean; the particulars of the voyage and the journey to London are narrated in his diary.

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 396, Library of Congress and University of Vermont.

## CHAPTER XXIV

### THE ST. LAWRENCE CANAL — PURCHASE OF ARMS IN FRANCE, AND CAPTURE OF THE OLIVE BRANCH

1796

BOSTON *Decm<sup>r</sup>. 11th* 1795

AT 12 o'clock went on board the *Minerva*, Capt. Scott, and sailed for Great Britain in Company with as Cabin Passengers Mr. Cole, Mr. Oliver Phelps, & Mrs. Phelps, Mr. Stewart, Mr. Forbes, Mr. Foster, Mr. Smith, Col. Graham.

The Wind being fair we sailed fast. At night was sea sick about half an hour, then slept well. On the Great Sand Bank had a severe wind one day Calm, the Remainder of the Time Good wind & weather; we had a very agreeable Party & Everything pleasant except Mrs. Phelps had the Misfortune to be sea sick all the Passage. Capt. Scott furnished an Excellent Table every day with a Plenty of Wine Brandys for Calling on the Steward for, when we please. We Paid 35 Guineas each for our Passage.

Jany 2d, 1796. At about one o'clock we dropped anchor in the Harbour of Falmouth. A severe Squall of Wind came on & the Sea was so rough we did not Land till evening.

Pendennis Castle was in sight where my Brother Gen. Ethan Allen was Confined when a Prisoner of War in 1776. Time did not Permit me to see the Place: it appeared to be a pleasant Place on high Ground overlooking the Town & Sea.

We put up at a hotel & in the Morning before day we took Post-chaise and set out for London. Most of our Company were in great haste; Mrs. Phelps not being very well (grand daughter to my much respected & Deceased friend the Honorable Roger Sherman Esquire to whom I was under obligations in behalf of Vermont for his Assistance in Congress to Establish the West Line &c) I therefore proposed to Col. Graham, as he & I had agreed to take a Postchaise together to London, that we would keep Mr. and Mrs. Phelps Company all the way, which we did. I found it necessary to make some stop for Mrs. Phelps to Rest and think it was fortunate to [for] her that I was in Company, as Mr. Phelps & she were both young, but had a fine boy about four Months after. The County of Cornwall is a cold hard poor Soil full of Mines, and when we Came near Exeter we found a beautiful pleasant Country — rich fertile Lands in a High State of Cultivation. Exeter is a fine Place and a Beautiful Country on every side from Exeter to Bath is most of the way a Good Country & some pleasant Places. Bath is a Beautiful Place from it's variety. It is built on Uneven Ground & from the Different heights

forms very Different Prospects & the Buildings vary in their forms and appearances. They have a very Good Stone for Building which is taken from adjacent Quarries in very Large Stones; they are then sawed and cut in any Shape and are quite Soft when first taken out of the Ground, but after they have Been up a year or two are sufficiently hard for Building. There is a most beautiful Road from Bath to London — many pleasant Towns & Villages, Country Seats, & none drew my attention so much as Newbury & the Country round it.

One Circumstance the afternoon & evening before we arrived in London is worth stating, & the more so as it may be a Warning to others to be on their Guard who may travel in the old World. We made a long Stage & Dined Late. When we Came to an Inn we ordered dinner. Col. Graham, who was our Purser, in Paying our Postilion showed a Purse with about 20 Guineas in it & his gold watch; he also observed if any body attempted to Rob him he would Blow their brains out &c (this Language is not often made use of by those that really blow out brains). Our Dinner was a Long time delayed. I inquired Respecting the next Stages, the first was 12 Miles; if we past that, 18 Miles; were recommended to go 18 Miles, but I would not agree to that, but that house Recommended to be very Good, the other Bad & that their horses Generally went the 18 Miles. We finished our Dinner & it was near Night so it would be dark by the Time we should gain the first Stage. By this time my Jealousy began to rise, our Carriages were Ready and an old Lady, Mistress of the House, Came in & thanked us for the money spent in her house, &c, and observed that she Expected we should go the 18 Mile Stage. Directing her Discourse to me, I told her we should be Late to the First stage. She said her horses always put up at the 18 Miles, it was a Good House & almost ordered us there; I Looked at her and thought I could see in her Eyes that she meant we should be robbed. I answered her very short that it was not my Pleasure to go so far &, by God, we would not. We abruptly Parted; Col. Graham and I went to the foremost Carriage, found Mrs. Phelps' baggage was there. We gave that up to Mr. Phelps & they went on; the other Carriage Came up & we slept into that; by this we had Changed our Postilion in Riding & Mr. Phelps had got the Start of us; we set out, & after getting about 30 rods, a Servant calls to the Postilion to stop. He stopped, I soon asked him what he stopped for: he said he supposed that something was Left. In a few Minutes a Servant Came with a Letter & Gave it to the Postilion & he went on. I told him it was damned Strange that we should be Detained to wait for Letters & Directed him to Drive on & overtake the other Carriage, which was half a mile the start of us. He fained to Drive fast but Privately held in his horses; Col. Graham then swore at him he must whip his horses, but [he] did not gain on the other Carriage; in this Situation, we went 6 or 7 Miles pretty fast, Conversing to ourselves on the Danger of being robbed. We passed an Inn or Rather a grog shop by its appearance, when a Man that was standing at the Door stept out; our Driver stopped. This Person Came to our Postilion, he Dismounted, & the other,



after a whisper, mounted and Drove on. I told Col. Graham evil was determined against us, Col. Graham ordered our New Postilion Drive on & overtake the other Carriage which then [was] out of sight. He whipped his horses, but found means not to hurry; about a Mile from this Inn where no houses etc. were in Sight, except said grog shop, I looked forward & saw a Man coming a horse back with a Blue whossay cloke on, riding a Good horse fast. Sais I to Col. Graham, 'By God, there is a Highwayman.' I instantly dropped the Glass windows of the Coach before me & on my side of the Coach put my head out at the window, looked back, saw that there was no Person behind us or to be seen at said Inn which appeared three fourths of a Mile back. I then looked forward at the man & sat down in my Seat leaning forward nearly to the window to the better observe his motion. As [he] Came up, by our Postilion, in a low voice [he] said, 'Ay Ay,' & was answered by said Postilion, 'Ay, Ay,' and rode past; what that Private Signal was shall not Pretend to say. I then Rose, put my head out at the front window and then swore in the most solemn manner if he did not drive fast he was Instantly a Dead Man damning his 'Ay Ay's,' whipping his horses & holding them in, etc.; that he might Depend on Instant Death if I see any Appearance of being Robbed again; this started the Damned Rascal & he set out full Drive. Col. Graham then roused and added a few more Damns, we went as fast as Possible till we overtook the other Carriage near said 12 Miles Inn, Passing several Places where Roads Came in on our Right & no houses near; at some of these Places suppose we were to have been attacked, but Driving so fast we Passed before our Enemy were Prepared. Mrs. Phelps was also Looking out Sharp for Robbers & when said Man with a Blue Coat Passed she heard him say in a low voice, 'Ay, Ay,' but the Postilion did not answer him; when we called in our said Postilion to pay him he had every Appearance of a Graceless foot pad. We found that we were in a Good house; after breakfast & Paying our bill etc. we Called in our Landlord and told him we had a bad recommend of his house from the Inn we Dined at; he said it was a Widow Kept the house; that he had had some such reports before. We told him that we believed there were some bad People about that house & that we Suspected some bad Design against us; he said it was not Proper for him to find fault of those in his own line near him, that it was well for People to Keep a Good Lookout & not show anything Valuable when they Travelled, etc., yet seemed to give an Idea that hard thoughts had been before Entertained of the House; that by Exertion we had Escaped Danger, etc. When we related the Story in London it was Unanimously Agreed that there was a Plan to rob us.

We came in Sight of Windsor Castle, the King's residence out of London. It appeared Like a Pleasant Place; we arrived at the Adelphia hotel Jan'y 8th 1796 in London. Next Morning sent for Mr. D. Owen, Tailor in Norfolk Street; he took my measure & sent me a suit of Clothes at 12 o'clock Next day. I went & Dined at Mr. James Lorimers, No. 340, where Col. Graham & I took Lodgings. I then Visited

Several places in London, also Doctor S. Peters and a number of Merchants, &c. Mr. Parker made great promises of answering General Hull's bills, friendship, assistance in business, &c. But he is as Damned a Rascal as John Kelly; I need not say more. Colonel Graham's mine business took up some time.<sup>1</sup>

Graham was endeavoring to sell stock in the mining company he had formed to mine and mint gold and silver in Vermont. On the ship going over, Graham had proposed to Allen that he be admitted as a partner in the purchase of the arms, but Allen had declined. Allen's anxiety during the journey to London can be imagined when it is remembered that he had ten thousand dollars in his trunk and twenty-five hundred dollars in English gold on his person.

The world in 1796 was unsettled. France for seven years had been engaged in her bloody Revolution, whose horrors make the acts of the present Soviet Government in Russia seem trivial. Napoleon with his army was striving to conquer the world. France had taken Holland and Germany and was about to conquer Italy. England's sea power alone saved her from capture. France was at war with England and desired to recapture Canada. England's navy was sailing around the world taking every port and country that it was thought would strengthen the British Empire. England had hopes of making the United States a part of that empire and was at this time engaged in aggressive acts contrary to the Peace of 1783 and the Jay Treaty of 1794. If the Republicans had been in power in the United States instead of the Federalists at this time, it is quite possible that what is now Canada would be a part of the United States. Such were world conditions when Ira Allen went to Europe to engage in some speculation that would, if successful, extricate him from his debts and enable him to settle with the heirs of his deceased brothers and Remember Baker without breaking up his large landholdings into small parcels.

Allen, on January 19,<sup>2</sup> addressed a letter to the Duke of

<sup>1</sup> University of Vermont Library (Burlington). Graham had procured the passage of an act by the Vermont Legislature the previous year, giving him the exclusive right to smelt and mint all gold, silver, and other ores mined in Vermont, for the term of thirty-five years. He seems to have secured this entirely for the purpose of forming a company and selling the stock of same.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Nos. 404, 405, Library of Congress and University of Vermont.

Portland on the subject of a canal connecting Lake Champlain with the St. Lawrence River and sent it to his acquaintance, George Hammond, who had been the first British Minister to the United States and who was now Under-Secretary of Foreign Affairs at 10 Downing Street. On Saturday, the 23d, he received an invitation from the Duke to call between three and four o'clock Sunday at Burlington House, the Duke's residence. To supplement his conversation with the Duke, on Sunday, Allen, on the 26th, addressed a memorial to him, giving a concise statement of Vermont's resources and its future possibilities. This paper revealed him as possessing the broad vision of a statesman as well as enthusiastic confidence in the future of the new State. In his opinion the building of the canal, instead of promulgating republican doctrines in Canada, as feared by the Duke, would tend to cement the two countries together. The Duke expressed the opinion that Allen should obtain a charter in Canada for a canal, but Allen answered that General Haldimand, Lord Dorchester, and Chief Justice William Smith had informed him that he must apply to the British Ministry. He stated that, if the Government would enter into an agreement with him, he would undertake to build the canal if he was allowed to earn not to exceed fifteen per cent on the investment. He called many times at 10 Downing Street and went into details respecting the matter with Mr. King, the Duke of Portland's Secretary.<sup>1</sup> He wrote to and conversed with the leading merchants of London regarding the canal and gave them copies of his memorial to the Duke.<sup>2</sup>

One statement, used to obtain the support of a leading merchant and made in a letter written by Dr. Peters on February 8, was that a bushel of salt delivered in Burlington from England *via* New York cost twenty-five shillings; if sent *via* Montreal, it would cost only four shillings and give the merchant a profit of twenty-five per cent.<sup>3</sup> This was an exaggeration. Silas Deane — undoubtedly for Allen, as Deane had no interest to serve — had made a report to the British Government on the canal in 1785, and had gone to England in 1789 for the

<sup>1</sup> Allen's *Particulars . . . Olive Branch* (London, 1798), p. 104.

<sup>2</sup> *Stevens Papers*, New York State Library; Allen's *Diary*, University of Vermont; *Canadian Archives*, Q-77, p. 339.

<sup>3</sup> *Stevens Papers*, New York State Library, Wilbur Photostats, No. 408, Library of Congress and University of Vermont.



purpose of interesting the Government in this project. In his report on the cost of digging the canal, which he estimated at two thousand pounds sterling, he stated that salt now (1789) sold for two dollars or nine shillings sterling per bushel and, when the canal was built, 'it can be delivered for 1s to 1s 3d per bushel' and 'give a good profit.'<sup>1</sup> Deane died in England August 28, 1789, while on this mission.

During January and February, Allen met all the leading merchants and was entertained by them; he purchased dry goods in London, shipping some to Finch in Boston and some to Roger Enos, Jr., in New York, the two relatives he was helping to establish in those cities. He visited Leeds, Liverpool, and Birmingham, making purchases in all of those cities; in the latter he endeavored to buy guns, but the Government would not allow the sale of arms to individuals.

On March 4, Allen wrote the Duke of Portland for a decision, giving more facts about the Champlain Valley. He estimated that the inhabitants it would now serve numbered one hundred and fifty thousand and that they would consume one hundred thousand bushels of salt and three hundred thousand pounds worth of English goods annually. On the 14th, he wrote to the merchants for advice and called on them, and on their advice made some changes in his former statements and again, on March 19, appealed to the Duke and stressed the importance of the canal in case of war.<sup>2</sup>

During all this time the University of Vermont was discussed with almost every one he met. Dr. Peters was to become President and one L'Abbé Vaire, a learned Frenchman living in London, was to be appointed principal.

On May 6, in answer to a letter to the Duke, Allen was advised to finish all his business and, just before sailing, call at 10 Downing Street. Acting on this advice, on May 20, he 'set out from the New England Coffee house, Thread-Needle Street, London, in company with Mr. Skinner of Boston, to go on board Skinner's ship at Deal, to sail for France.'<sup>3</sup> The laws of England did not permit gold being taken to France, and, as he had two thousand pounds in his trunk and other

<sup>1</sup> *Canadian Archives*, Report, 1889, p. 81, Q-43-2, p. 681.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Nos. 410-11-12-13, Library of Congress and University of Vermont.

<sup>3</sup> Allen's *Narrative of the Transactions Relative to the Capture of the American Ship Olive Branch* (Philadelphia, 1804), p. 323.

sums with him to use in purchasing arms, he did not ask for a passport and boarded Mr. Skinner's boat 'in the grey of the morning,' and proceeded to Havre and then to Paris. James Monroe was at that time our Minister to France. Allen went to Paris, lodging at the Hotel Philadelphia. One day on the street he met Stephen Thorn, from Granville, New York, which town, in 1781, Allen had annexed to Vermont. Thorn, before he was twenty-five, had been a colonel of artillery in New York. He was an ardent Republican and did not care to live under the rule of a Federalist such as George Washington. He had been with Allen in Rutland in 1794 and heard him say that, as major-general of militia, he would never review the troops again until they were supplied with arms.<sup>1</sup> Thorn was well educated and spoke French. There was at this time quite a Republican colony in Paris: Thomas Paine, who was confined in prison during Robespierre's administration; Joel Barlow, and others of lesser note. Allen became acquainted with all of them and dined more than once with Monroe at the Embassy. He informed all the Americans he met of his mission to buy arms, and in answer to an inquiry to Mr. Monroe was informed that, under the Jay Treaty, he had the right to buy arms in France and ship them home in an American neutral ship.<sup>2</sup>

The French, angered at the ratification of the Jay Treaty, which was proclaimed February 29, 1796, declared alliance between France and the United States at an end and in July ordered all United States vessels seized. They also during the summer, being exasperated against England for seizing ships from neutral countries with supplies for France, notified all nations that allowed England to do this that France would prey on their ships.<sup>3</sup> Property of Americans in France was seized to the estimated value of seventy millions.<sup>4</sup>

Allen went alone to the Directory of Five who ruled France

<sup>1</sup> Allen's *Narrative of the Transactions, etc.* (Philadelphia, 1804), p. 64.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 436, Library of Congress and University of Vermont.

<sup>3</sup> *Rutland Herald*, October 31, 1796.

<sup>4</sup> *Pickering Papers*, vol. 25, p. 182, Massachusetts Historical Society.

When Monroe went to France, he took Fulwar Skipwith as his secretary and later had him appointed Consul-General to France. When the French began seizing the Americans' property they rushed to the Consul-General and turned their money and property over to him, hoping thus to save it, which they did from the French.

in 1796. A stranger bearing no letter of introduction and arriving from England, a country at war with France, he was coolly received by them. He declared that his object in visiting France was to buy arms, twenty thousand muskets with bayonets, and as many cannon as the French would sell to him. He did not disclose to them that he must buy them on his credit mostly, for he did not have more than three thousand pounds with him, or that, if he could purchase that number of muskets and reach the United States with them, he could sell them for at least two hundred thousand dollars. Muskets were selling in the United States for from ten and a half to fourteen dollars each, and cannon would bring a high price.

Carnot, one of the ablest and greatest Frenchmen of that period, was President of the Directory. He had employed near him General Henry J. G. Clarke, a young man whose family had fled from Ireland to France in the time of the Stuarts, and who was left an orphan at the age of three years. Carnot was fond of Clarke, trusted him in secret state matters; through his influence at a later period Clarke became a Duke and a Marshal of France and was honored by Napoleon in many ways. Clarke acted as interpreter during this first interview and, when it was over, was instructed by Carnot to make inquiry about Allen and report to him. In this report Clarke stated that Allen had been foremost in founding the Republic of Vermont against the efforts of Congress, New York and New Hampshire, and that he was known by Mr. Skipwith, Consul-General, and most of the Americans then in Paris, including Oliver Phelps (who had sailed from Boston with Allen), Thomas Paine, and Joel Barlow. Allen exhibited to Clarke and later to Carnot his papers signed by Governor Chittenden and the certificate or statement of the two justices of peace of Vermont as to the amount of his landed property. While Clarke was making his investigations, Allen was not idle; he learned that France was in possession of large quantities of arms captured from the British, Germans, and Dutch which were of no use to France at present and never would be unless France made ammunition to fit them. He also learned that the Government was extremely pressed for money, French paper currency having depreciated almost to the vanishing point. The army under Bonaparte in Italy had not as yet been successful and therefore had not remitted any money to the Directory.



On July 1, Carnot invited Allen to dine with him the following day at half-past four at the Luxembourg, where he resided,<sup>1</sup> General Clarke to be present and again act as interpreter. For this occasion Allen bought a silk coat and waistcoat.

As a result of this dinner, Allen entered into a contract with the French Government, on July 11,<sup>2</sup> to purchase twenty thousand muskets, furnished with bayonets, and twenty-four brass, four-pounder field pieces, agreeing to pay twenty francs for each gun with bayonet, paying down 106,240 livres. Pétiet, Minister of War, signed the contract.<sup>3</sup> The cash paid, about ten thousand dollars, was one fifth the total sum agreed on; the balance Allen was to pay on or before seven years from date with five per cent interest.

On July 16, the Directory ordered the guns shipped to Ostend, where they were to be delivered. 'This order being urgent, all delay is placed upon the responsibility of the Minister of War.'<sup>4</sup>

As soon as the contract was signed, Allen entered into negotiations with Mr. Jesse Putnam, a Boston shipping merchant then in Paris, to take charge of shipping the arms to New York or Boston. Putnam at first agreed to undertake it, but, before a contract was signed, a letter from his partner stating he could not come to Paris at present caused Putnam to decline, as he learned he would have to be present when the guns were loaded on the ship and the conditions in Paris were so unsettled he dared not leave that city. This apparently trivial circumstance of Putnam's declining the business for the sole reason stated changed Allen's entire future.

He was so sure that he would soon be on his way home that he wrote Samuel Williams, of Rutland, on July 15, to reserve a room for him in his house during the October session of the Vermont Legislature. He enclosed the following notice:

*To the Militia Officers of the State of Vermont.*

GENTLEMEN: Having been requested by his Excellency Thomas Chittenden Esq. to purchase arms for the use of the Militia, have the satisfaction to inform you, that I have succeeded in making a contract. That the arms will be immediately forwarded to New

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 499, Library of Congress and University of Vermont.

<sup>2</sup> *French National Archives*, A.F. 111, p. 387.

<sup>3</sup> *Ibid.*, p. 388; Appendix X, 1796.

<sup>4</sup> *French National Archives*, A.F. 111, p. 388.

York. I give you the earliest information, that you may be particular in the return of the deficiencies in your muster rolls in October next and that I may better know where to send them, after they arrive at Troy.

IRA ALLEN

PARIS July 15, 1796

N.B. All the Printers in the State are requested to publish this.<sup>1</sup>

On the following day he wrote Williams again:

I have spent nearly two months in this Republic. I am much pleased with this country . . . It has a fine climate and soil. In the course of my travels, have visited many places in Europe. The gardens, waterworks etc. of Versailles are the most superb I ever saw. I set out tomorrow for Amsterdam; I shall visit several places in the Batavian republic, then go to London. If Colonel Graham has been so taken up in conjugal affection etc. [Graham married an English woman] that he has not procured the types you wrote us both to procure, you may depend that I will do it on my return to London, and take them with me to America. I shall not omit the session of the legislature of Vermont, for reasons unnecessary to mention.<sup>2</sup>

While Allen was in Paris and during these negotiations, according to a sworn statement made by him later, he sold some of his Vermont lands to one 'Peter Capa of rue Vogerard (Vaugirard), in Paris, for upwards of six thousand pounds sterling, in specie and Dutch paper,' and he advised

Nathan B. Graham of Boston . . . Bowerbank, Monkhouse & Co, Dr. Samuel Peters and Mr. Bell, of Pimlico, London; some of whom I had employed to sell lands . . . That on or about 20th of July, [1796], I set out from Paris to Holland, and took said Dutch paper with me, and disposed of part of it to Mr. Guildermaster a marchant of Amsterdam, for cash and bills of exchange on the house of Messrs. Hascoe, Frace and Banks . . . of Hamburg; which bills, to the amount of two thousand seven hundred pounds sterling, or thereabouts, I brought with me to London, where I negociated or obtained cash for them, through the means of Messieurs Bowerbank, Monkhouse & Co, Messrs Schumaker, Hayman & Co of London, Merchants, which money was principally applied to establish mercantile connections. . . . That the remainder of said Dutch paper (all of which was purchased at a great discount) I sent to the United States, in a packet, by Capt. Stephen Turner, ship *Minerva*, Bound to Boston in the spring of 1797; consigning said packet and papers to Mr. Noadiah Bissell, of East Windsor, state of Connecticut.<sup>3</sup>

<sup>1</sup> It was not published until November 11, by the *Bennington Gazette*.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.* (Philadelphia, 1804), p. 345.

<sup>3</sup> *Ibid.*, p. 323.

This act proved most fortunate, for it enabled Bissell to come to Allen's assistance two years later when he urgently needed help.

Being unable to charter a boat in France, Allen began to look for an American ship as soon as he arrived in London, where he went from Holland. He also looked forward to a final, and, he hoped, favorable, decision from the Duke of Portland regarding the canal to connect Lake Champlain with the St. Lawrence.

One of the first things he did when he reached London was to write the following letter to his old friend Thomas Chittenden:

LONDON *August 19th, 1796*

SIR, some time has elapsed since I addressed a letter to you; I have been through the French and Batavian Republics, which are beautiful and fertile countries, crowned with plentiful harvests . . . In my letter, of the beginning of May, I informed you, that, in my opinion, the war would be prosecuted with vigor, my predictions have proved true, much blood has been shed by the contending armies. . . . The French are victorious in every direction on the Continent. Italy and most of Germany have accepted of terms of peace from the French Directory: The sums of money, horses, provisions, &c given as the price of peace, and that will be given together with the national domain, &c. will restore French finances, the establishment of their constitution, the settlement of intestine broils, military preparations, discipline, and phrenzy for liberty, will put that nation in the best situation for war next spring that they have been in for more than one hundred years past. . . . It would be dangerous to disband all their victorious armies at once. I suppose the French have about 800,000 men under arms. . . . Was Julius Cæsar to come again on earth he would be astonished at the brilliant success of the French this Campaign; under these impressions, what terms will the English and French make peace this fall or winter? It is to be observed that the English have been successful in taking the French and Dutch islands . . . that their navy is superior to the French and Dutch. . . . I leave these contending powers to make peace for themselves, and suppose that Mr. Hammond, late minister at Philadelphia, is gone from the Court of London to the Continent charged with full powers to make peace with the French if possible, yet he may be disappointed. . . . As to business I have been successful beyond my expectations. . . . I shall send and bring with me more than thirty thousand pounds in goods [guns]. . . . I have had perfect health and fair winds ever since I left Boston . . . If my good fortune continues, you may expect to see me at the Legislature in Rutland the latter part of October next.<sup>1</sup>

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Library of Congress and University of Vermont.



A cheerful, hopeful, letter, evincing his interest in and knowledge of foreign affairs; but this favorable outlook did not long continue.

In London, Allen met Thorn, who undertook to charter a ship for him, and on September 8, Thorn, at the Virginia and Maryland Coffee House in London, chartered the ship *Olive Branch*, recently arrived from Norfolk with a cargo of tar, turpentine, and staves. Previous to Thorn's charter, the French firm of DuBois & Son had chartered the boat to carry a cargo of sugar, pepper, and other dry goods to Dunkirk, France. As England was at war with France, the *Olive Branch* was cleared for Balboa, Spain, but went direct to Dunkirk. This act of deception, of which neither Allen nor Thorn was cognizant, proved unfortunate for Allen at a critical time. The *Olive Branch* sailed from London, September 11; in due time she discharged her cargo at Dunkirk and proceeded to Ostend, where she was to take on the cargo for New York; the kind of cargo not being specified in the charter.

On August 15, in London, Allen addressed a letter to the Duke of Portland requesting 'an early and precise answer' regarding the canal, as he was leaving for America. Three days later, he was invited to call at the Duke's office. Allen did not see the Duke, but his secretary King informed him that nothing could be done. In answer to Allen's inquiry regarding certain papers he had left with Mr. Bowerbank to be delivered at the Duke's office, he was informed that they had not been received. Allen observed that, after coming three thousand miles and waiting several months, he was entitled to better treatment. King observed that, until the war was over, nothing could be done, but when it was, British subjects would have to own the canal and no citizen of the United States could own a share. 'Besides he did not suppose I [Allen] was a man of sufficient property or any way equal to undertake so great business. I observed that I should have been much obliged to his Grace to have told me that at my first interview, and not kept me a dancing attendance five or six months for such an answer, and immediately withdrew.' <sup>1</sup>

This was his first disappointment. The canal was a noble conception, and it is reasonable to suppose that his efforts

<sup>1</sup> Allen's *Diary*, University of Vermont.

might have been successful at a more peaceful time, for the canal would have been of commercial and political importance to Canada. This was Allen's last attempt to put this project through, though, at a later date, he urged others to undertake it. In 1818 a company was authorized in Canada to build the canal, money was spent, but little practical work done. In 1844 a canal was begun as a public work; it was not the canal that Ira Allen had intended to build; it was completed in 1849, sixty-four years after his first proposal.<sup>1</sup>

He was now free to give his entire attention to the shipment of his arms. This he intended to do through an agent, for he wrote home that he would sail from Amsterdam hoping to arrive in Vermont in October. His second disappointment came when he learned he could not obtain an agent, but must attend to the shipping of the arms himself.

He left England, sailing from Dover on September 27, with but one desire, to return home. The goods he had shipped to his nephew at Boston had arrived; the following letter from Mrs. Allen to her brother indicates her opinion of Finch and intimates that her husband had doubts regarding his business ability.

COLCHESTER *May the 3 1796*

MY DEAR BROTHER:

Mr. Allen appears very anxious to have you go to Boston and assist Finch to take care of his property and the Lord knows that it is necessary enough for some person of stability to be there and attend to business. I wish you to go and tarry there till them goods are disposed of and conduct with independence steadiness and propriety as you know that Finch is a person of no principle and abandoned to every fashionable vice, begin right and it may have a tendency to regulate his conduct you are sensible that, take the new world throughout, those men are the most esteemed that conduct *with firmness & stability* I wish to have the goods turned into money and transmitted to me as soon as possible as it is of the greatest consequence that I have two or three thousand pounds by the first of June if I hear nothing from Finch soon, I shall think the devil has got his own.

If Finch should not be in Boston when you arrive there and it should not be probable that he would be there soon you had better take the goods and get some person there that you can depend on to market the goods, perhaps young Graham understands enough of trade to give you every assistance you can wish with the assistance of a clerk Finch has one how good he is I know not and sell them for

<sup>1</sup> *Canadian Archives*, Report 1889, p. xi.

cash as fast as you can and nothing else as there is no other property on earth I want but cash at present I expect Finch will have one thousand pounds that will be ready for me when he returns from the south and if that should not be the case I should wish to know it as soon as possible. be a spy upon his conduct but in such a way as to not let him suspect you you can at first conduct in such a manner as to make him intrust you with all of his past conduct and future prospects in business wach . . . for I am very suspicious? of him. I send you a part of the letter that Mr. Allen sent me that you may see the authority. I have to give the orders I plan with respect of his property; percuire me a fan and send it by the first safe conveyance as I have none for the summer. you need not be afraid to let Finch know that I am not pleased with his conduct and that it is more than a thousand pound dammage to . . . not having that show in the fall and it makes me mad to think that I must be the only person on earth that must suffer for the want of property. I believe you will think I have said enough and I shall bid you a good day.

JERUSHA ALLEN<sup>1</sup>

TO MAJ. R. ENOS

Allen had not succeeded with the canal project, but he had, he believed, established his credit in England. He wrote Hull in Boston that he was shipping to him goods to the value of ten thousand pounds. He had overcome in a large measure the prejudice created in England against the Allen family by Levi Allen's conduct from 1789 to 1791. The Reverend Samuel Peters, in a letter bidding him farewell, sent this message to Levi, 'tell Levi he has done his brother Ira and Governor Chittenden more harm in England than his life and repentance can restore.'

Allen's credit had received a severe blow from an unexpected quarter. He had drawn a draft on John A. Graham (for a small sum loaned Graham) and at Graham's request made the draft payable in twelve months. When the draft was presented for acceptance by the merchant to whom Allen had given it, Graham refused to accept it, which meant he had refused to endorse it, although he had twelve months in which to pay it. As Graham was from Vermont and knew all about Allen's wealth and standing, this refusal frightened the merchant and he recalled a large shipment which had not been loaded, and other merchants, hearing of it, did not ship goods they had agreed to ship. Wigglesworth, Hague & Co., of Leeds,

<sup>1</sup> Vermont Historical Society.



wrote him on the day he sailed for France informing him of Graham's action and its effect on his credit.<sup>1</sup> Had he received this letter, he undoubtedly would not have sailed until he could have settled the matter. Graham would not have dared to refuse acceptance had he not known Allen would leave England before he could learn of his refusal.

When he left England, he expected to stay in France only a few days to see that the arms he had purchased were delivered by the French Government. He intended to go from France to Amsterdam and take a ship which he hoped and expected would enable him to reach Rutland before the Legislature adjourned. What a different narrative could be written if the guns had been shipped then and he could have been at home two weeks before their arrival to arrange for their delivery! It was not to be. All his life he had been fortunate. Success had crowned all his efforts; what he had accomplished on this first voyage to England and France reads more like a romance than fact. British merchants had lost thousands of pounds in the United States.<sup>2</sup> In many States, Britishers could not collect their debts by legal process. France was so antagonistic to the United States that she refused all business connections; but, notwithstanding all these handicaps, he had established a large credit in England and had purchased arms of the French Government worth thousands on seven years' time by paying down one fifth cash.

His next great disappointment came when he arrived in Ostend early in October, to find that no orders had come from Paris to deliver and load the arms. The Olive Branch had arrived there September 30. Allen at once wrote to Paris and the order was issued; this took about fourteen days before she began loading. A still greater disappointment was to come. It was found that the Olive Branch was so small she could carry only fifteen thousand of the twenty thousand muskets bought and delivered. This reduction meant a big loss to him. The five thousand he was obliged to leave would have sold for over fifty thousand dollars in the United States. The guns were packed in large boxes; those coming by land were loaded from the quay, or dock, and those that came by water, from

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats No. 423, Library of Congress and University of Vermont.

<sup>2</sup> The United States paid Great Britain \$2,807,428 on claims. (Jay Commission.)

the ships that brought them, while the Olive Branch lay at anchor. Captain Bryant, of the Olive Branch, protested against sailing with a cargo of arms, but his charter did not prohibit arms and he was obliged to accept the cargo. The crew of the Olive Branch consisted of captain, first mate, cook, and six sailors. And now happened one of those unlucky, most unfortunate and unforeseen circumstances, that was to wreck Allen's fortune and embitter his future life. The day after the Olive Branch began loading, an embargo was put in force in all the harbors of France, including Ostend, prohibiting the sailing of any ship for thirty days, as France was fitting out a fleet at Dunkirk and wanted to prevent the information reaching England.

Allen left the loading of the ship to a Mr. Williams, an American shipping agent at Ostend, and went to Paris to obtain an order allowing the Olive Branch to leave port. He found this a difficult task, as many of the former officials were no longer in office. By impressing on the officials that, if the guns had been shipped at the time agreed upon and the proper orders issued, the Olive Branch would have been loaded and out of port before the embargo, he obtained the order and returned to Ostend. While he was absent, an event occurred that well might have wrecked his plans. The first mate and several sailors of the Olive Branch with some English sailors from another boat, six in all, seeing the Olive Branch loading with arms and believing the British Admiralty would pay liberally for this information, stole a barge and by muffling their oars went out of the port at night and arrived in England,<sup>1</sup> as was reported in the London papers. When the British learned that the Olive Branch was loading with arms, they dispatched two frigates to cruise in front of the harbor of Ostend and, as Allen wrote at a later date, 'it was not difficult to conjecture, what might be their instructions, and probably that of others in the English Channel.'

Allen knew that even a short detention at this time of year might prevent shipping the arms up the Hudson River to Troy or up the Connecticut River to Hartford, after arriving in New York, by the ice closing those rivers, 'which was essential as he might if up those rivers distribute the arms through the State by sleighs, which would make nearly a

<sup>1</sup> *National Archives*, Paris, A.F. 111, p. 540.

year's odds in realizing [on] the property, for which he was accountable to pay interest.'

While the ship was loading, Allen went to Hamburg evidently on some important mission, possibly to obtain funds to pay the extra expense incurred by his trip to Paris, for he drew a draft from there on October 30. He may have sent his baggage there from England, for, when he left that country, he expected to return home on the first ship he could get either from Amsterdam or Hamburg. Either he could not obtain passage on a ship or on account of the British cruisers patrolling the entrance to Ostend, Allen decided to sail on the *Olive Branch* and return to Ostend, where, on November 5, Thorn, who had been there some days, assigned the charter to him. Crossing the ocean in November on a ship ninety feet long, manned by only six sailors, could hardly be looked forward to with pleasure. The fact that the British cruisers were waiting for him outside did not deter this man who had outwitted the ablest men in two States and Congress during a ten-year struggle.

'By contrary winds and low tides, the *Olive Branch* was detained, in all, more than forty days in said port.'<sup>1</sup> How Allen, whose life had been spent in the woods far from the sea, circumvented the English was told under oath at a later period by the captain and steward,<sup>2</sup> who testified that Mr. Allen had obtained paints and brushes and soon after leaving port had insisted on the captain repainting the ship. Allen's account of how they escaped capture, follows:

When the wind served, he [the captain] took much the highest way, which was between the main and sandbar, to Dunkirk roads. . . . On the way, he changed two streaks on the sides of the ship, to new and brilliant colours, and at high tide that evening [November 12] went over the great sand-bank and before daylight, came under the English Coast, and kept near it, down Channel, passed twelve English ships of war, and spoke with one; but they did not know said ship in her new dress.<sup>3</sup>

Graham and the others, supposing that he would surely be captured by one of the many British men of war in the Channel, had informed the Admiralty that the arms were destined for Ireland, which was in revolt because their Parliament had

<sup>1</sup> Allen's *Narrative of the Transactions, etc.* (Philadelphia, 1804), p. 258.

<sup>2</sup> *Ibid.*, p. 38.

<sup>3</sup> *Ibid.*, p. 259.



been dissolved. Allen's strategy prevented the capture then, although at this time he had no idea of Graham's treachery. Nothing happened after leaving Ostend to disturb him except that off Dunkirk (where they took on a first mate and one sailor) they were stopped a short time by the commodore of a small French fleet off that port.

He was now on the ocean, bound for New York, Vermont, and all that was dear to him, with a cargo that, when sold, would pay all of his debts. He had not heard from his family for almost a year. How happy he must have been after all his trials! He had obtained what he went for and would justify the confidence placed in him by his friends. The wind was fair and the little ship was making good speed. No boats were sighted until noon on Sunday, November 20, eight days out. Little anxiety was felt when at 2 P.M. in latitude  $47^{\circ} 7'$  north and longitude  $10^{\circ} 41'$  west<sup>1</sup> from the meridian of London His Britannic Majesty's ship of war Audacious, 74 guns, Captain Gould, coming home to England after serving three years in foreign waters, had approached near enough to command the Olive Branch to furl her sails; which she did, and an officer from the warship boarded her.<sup>2</sup> The officer remained on the Olive Branch while Captain Bryant went on board the Audacious; he soon returned and Allen was requested to go on board. He took his contracts with the French Government, his other papers, and a copy of the Jay Treaty of 1794. Captain Gould met him as he stepped over the side and escorted him to his cabin, where all the officers were assembled around a table. He sat down with Captain Gould when the officers 'in a rude confused manner asked questions respecting the ship and cargo, from every side of the table,' which, as Allen said, 'appeared too much like an attempt to gain advantage.' He showed all his papers and called the attention of the officers to that clause in the Jay Treaty that allowed the ship of a neutral nation, such as the United States, to carry arms or any other merchandise. The captain decided to retain the papers and carry the ship and cargo as a prize to port. He refused Allen a copy of the papers and requested him to put his seal on the large envelope in which he placed them. Allen declined this.

<sup>1</sup> In Captain Gould's report to the Admiralty he stated the capture was in latitude  $46^{\circ} 55'$  north and longitude  $7^{\circ} 49'$  west.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.* (Philadelphia, 1804), p. 18; also Public Record Office, London Ad., 1-1843, Captains' Letters.

The officers inquired why; he replied 'he would not permit them to impose on his senses to believe that putting his seal on the papers, that were to be broken open in his absence, could be any security to him.' He was invited to remain on the cruiser, which he did. The captain 'admitted that the cargo could not be made a prize, but that the ship was undoubtedly one, for by her log book she had carried contraband goods from London to Dunkirk.'

The captain informed Allen 'that at Portsmouth he could charter another ship and pursue the voyage to New York.' Allen, for the satisfaction of the captain, admitted that the ship had carried contraband goods, and said it was the first time he had heard of the charter from England to Balboa, Spain, 'yet by the commercial regulations of Great Britain said ship was no prize to him'; and appealed to the captain's instructions. Allen must have taken this bold stand to enable him to see the captain's instructions. The captain said, 'Will you appeal to my instructions on board my ship, to convince me that I am wrong?' Allen 'replied he would, and make him a present of the cargo if he was not right; and if he was right he expected to be permitted to pursue his voyage to New York. The captain produced his instructions which proved said ship was no prize; on which Captain Gould said that he had orders from the Admiralty to take all neutral vessels laden with military stores, and carry them into port.'<sup>1</sup> The question was argued as both ships were sailing toward England; Allen keeping good-natured, but fighting hard to have the Olive Branch released. On November 21, he wrote the following letter to Captain Gould and handed it to him. He evidently wanted to make a record and began it with this letter:

ON BOARD THE AUDACIOUS MAN OF WAR  
November 21st 1796

SIR:

As owner of the cargo on board the ship Olive Branch, that every possible satisfaction be given to evince that said ship is bound to New York, as stated in the ship's papers, &c. I make the following proposals, viz:

1st, That said ship be conducted to New York by an English ship of war.

2nd, That an armed force be continued on board s<sup>d</sup> ship to conduct her to New York.

<sup>1</sup> Allen's *Narrative, etc.* (Philadelphia, 1804), p. 13.

3d, That I will give a bond of £100,000.

That said ship shall proceed to New York as quick as wind and weather will permit, and there discharge her cargo. Should either of these proposals be satisfactory, I will comply with them — But if I am detained shall feel myself extremely injured — the flag of the United States insulted, and that to in the face of subsisting treaties between Great Britain and the United States, which may tend to injure that harmony so happily subsisting between the two countries.<sup>1</sup>

This was a strong paper, but it was of no avail; they carried him into Portsmouth, where he arrived on Sunday. He went ashore Sunday night, December 11, and was detained on Monday for examination by a commissioner of the Admiralty. The Olive Branch with a guard on board was anchored in the harbor. Tuesday morning Allen left for London and on Wednesday, December 14, wrote a letter to Rufus King, informing him of his capture and detention and requesting his intercession to have the ship and cargo released at once, 'and that compensation in damages be also given for detention.'<sup>2</sup>

Rufus King had arrived in England the previous June as Minister from the United States. He knew Allen, as King was one of the first commissioners appointed by New York in 1790 to settle all differences between New York and Vermont. He at once took the matter up with Lord Grenville, who was Secretary of State for Foreign Affairs from 1792 to 1801 in Pitt's administration. Grenville was a cousin of Pitt and, after Pitt's death in 1806, became Prime Minister of England.

The following year the Court of Admiralty decided, as Allen had predicted, that the ship Olive Branch could not be held as a prize and she was released.

Allen's business in Vermont needed his attention. His failure to return as promised frightened his creditors and judgments were obtained against him that could not have been obtained had he been there to defend himself. Bills were presented to his wife and his mills were not being operated to his advantage.

His old friend, James Sawyer, wrote him from Burlington, on September 20, that John Kelly had obtained a judgment against him for thirteen hundred pounds, an execution had

<sup>1</sup> Allen's *Narrative, etc.*, p. 12; Wilbur Photostats, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, p. 18.



been issued, and that the next court would be held in October, 'after which I shall most certainly have an execution against me — which if I get no relief from you will most certainly ruin me.' <sup>1</sup>

Nodiah Bissell, Allen's friend, was in Boston on November 30,<sup>2</sup> and being informed that there were several letters in the post office from General Allen he obtained them, although not addressed to him. They were all dated from Dover, September 27, and informed his wife and others that he would soon be at home and that he had shipped goods to Hull to the value of ten thousand pounds and would bring home goods to the value of ten thousand pounds. One letter was to Newman, of whom he had borrowed money in 1794, stating that he had shipped a sufficient amount of goods to him to pay his debt. Newman had already brought suit on Allen's bond of £3120, given as security on his note to Newman of £1560, and had foreclosed on and sold a large tract of land in Burlington and Colchester on which in some way he had induced Mrs. Allen to release her dower rights. Bissell wrote on December 11 to Mrs. Allen that Hull's goods had not yet arrived, 'likely caused by Graham's refusing to accept a twelve months bill drawn on him.' <sup>1</sup>

The Legislature of Vermont met in Rutland on October 13, and Thomas Chittenden was again elected Governor. One of the first petitions to be considered was one from Philip Schuyler, of New York, requesting Vermont to buy shares in a canal to cost \$300,000 connecting Lake Champlain with the Hudson River to accommodate boats of ten tons. The committee to which it was referred and of which Luke Knowlton was chairman reported favorably. This would tend to carry Vermont's exports south instead of to Canada.

The memorial of General Allen, referred from the last session, praying that some equitable method be adopted for a final settlement of his accounts with the State, was presented and at once dismissed. Tichenor, as auditor for the purpose, made a report of his examination of the present Treasurer's accounts in which he called their attention to his former statement that Ira Allen owed the State £1280-4-9. His report

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 422, Library of Congress and University of Vermont.

<sup>2</sup> Vermont Historical Society, Manuscripts, Montpelier, Vermont.

on delinquent taxes showed something less than one hundred pounds in several small amounts claimed by collectors to have been paid to Allen when Treasurer, going back as far as 1780. This was an easy way of relieving themselves of liability. Two hundred copies of this report were printed and for the first time circulated throughout the State.

Tichenor at this time held no office, but was all-powerful in the Legislature. On October 15, they appointed him Chief Justice of the Supreme Court and, on the 18th, United States Senator for six years. He chose the latter office. This choice was most unfortunate for Allen, as during that term a friendly Senator could have helped him materially and an unfriendly one could deprive him of much Government assistance.

From the day of Ira Allen's marriage in 1789, the Enos family had been a burden. His mother-in-law and another daughter lived at his home and, when the two sons, Roger, Jr., and Pascal, were not there, they were supported by him. The father, General Enos, was in jail for a debt to the State, a circumstance which did not tend to impress favorably the members of the Legislature, and could hardly have failed to discredit Allen. General Enos's petition to this Legislature follows:

On October 25, The Committee to whom was referred the petition of Roger Enos, stating, that he is now confined in gaol in Woodstock, on one execution only, and that in favour of this State, for the sum of five hundred pounds lawful money. That the judgement was obtained when the situation of his affairs were such, that it was not in his power to shew to the Court he was not indebted in that sum. That he has devoted fourteen years to the service of his Country, when he could endure manly exertions, and has no wish to defraud his creditors, by spending the evening of his life in confinement. That he wishes to pay all he owes to this State, but being deprived of his liberty is unable to settle with the treasurer; avering that he does not owe one hundred dollars in the New England states; and that the sum due from him to this State does not exceed twenty pounds lawful money. And therefore praying that the General Assembly will liberate him from his Confinement, that he may make a final settlement with this State: and in case he does not, he will put himself in the same situation he is now in: or grant such other relief as their wisdom shall direct.

Made report, That the prayer of the petitioner be so far granted, that he be liberated from said confinement for the term of one year, on his procuring bonds to the satisfaction of the treasurer of this State, for the payment of such as it shall appear that he owes said State.

An act was passed, November 4, granting Enos relief from suits for one year.

Mrs. Allen depended almost entirely on young Heman in handling the complicated business of her husband. They leased the large sawmill in Burlington, on December 1, for one year for 'one third the production in merchantable boards.' And in a well-written business letter, Heman, on December 8, made an offer to lease the forge shop at Burlington, in which they stated that 'ever since the first settlement of this country, there never was a time equal to the present for the rapid sale of bar iron and mill irons.'<sup>1</sup>

Fortunately, the influences at work in Vermont to destroy his credit, Graham's treachery, and the fear of a French invasion of Canada by both the British Ministers and the Canadian Government officials, were unknown to Allen. On his return to London he learned how Graham had discredited him by refusing to accept his draft and also how Peters had not paid his draft of forty pounds, drawn from Hamburg October 31.

On Christmas Day, Allen wrote a letter to the mate of the Olive Branch, and the reply, dated Portsmouth, December 31, indicates that Allen's letter was hopeful and cheerful. 'Happy to hear you are well and that we shall soon get clear and proceed for New York.'

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 430, Library of Congress and University of Vermont.



## CHAPTER XXV

### BRITISH COURTS AND BRITISH JUSTICE

1797

To no one will we sell, to no one will we refuse or delay, right or justice. — Magna Carta, 1215.

MINISTER RUFUS KING, on December 15, 1796, had written to Timothy Pickering, Secretary of State in Washington's Cabinet:

I think it prudent to transmit to you copies of a letter and of the papers that accompanied it, which I yesterday received from General Ira Allen of Vermont agreeable to his wishes and to the accustomed course in cases of Capture; I shall send copies to Lord Grenville with a request of his interference in order that this case should be examined; and if the statements of General Allen should be found true, that the ship and cargo should be restored and permitted to proceed on her voyage. Various rumors respecting the destination of these arms have prevailed here; among them it has been said, that they were intended to be introduced through Vermont into Canada in order to favour certain projects that France meditates respecting that country. It is not my business to add conjectures, or speculations upon this subject. You will be able to judge of the number of the Militia of Vermont, of their probable deficiency of arms, whether it has been the practice in Vermont to arm the Militia at the public charge; whether the Legislature had authorized Governor Chittenden or General Allen to make a purchase of such a quantity of muskets and cannon; and, by examining the contracts of which I enclose copies, you will be better able to form a correct opinion of the nature of this transaction than I am able to do.<sup>1</sup>

From Vermont's earliest settlement to the disbanding of the Green Mountain Boys in 1775, every settler had brought with him from the older colonies his rifle. The militia of Vermont, when the Revolution began in 1776, was composed of these frontiersmen, who, for the next fourteen years, fought for their homes with their own guns. No arms had ever been supplied to them and, after 1791, when Vermont was admitted as a State, its resources were so limited that no change in this respect was made. A law had been passed fixing a penalty for militiamen not supplying themselves with arms. When King

<sup>1</sup> United States Department of State, *King Correspondence*, vol. 18.

inquired whether the Vermont Legislature had authorized the purchase of arms, both he and Pickering should have known that Vermont through its Legislature would never have sent an agent, particularly as important a man as Allen, to Europe to buy arms, without providing the funds to pay for them. Allen, with all his interests to manage, would not have undertaken such a mission, for there would have been no profit to him. He and Ethan had purchased largely on their own credit all the powder that came into Vermont during her early struggles, but no suggestion was ever made by their political enemies that either of them had ever profited thereby.

Allen, while waiting for a reply to King's letter, and naturally expecting a vigorous protest from the United States, concerned himself in collecting evidence in England and France. Through King's assistance he secured two distinguished lawyers, the same who represented the United States in many similar cases: Robert Slade and Dr. Nicholl. To them he gave a list of names of men who had advised him in Paris regarding the purchase and his right to ship the arms in a neutral vessel; among them Minister Monroe. He wrote to all of these men for affidavits to confirm his statements. Thorn, who was in London, in his affidavit of January 6, stated that he saw Governor Chittenden's authority or request to Allen to purchase arms and that he was in Paris and familiar with the entire transaction as related by Allen; that he had heard General Allen say in Vermont, at a review of the State militia in 1794, that he would never review the troops again until they had been supplied with arms, and that it was only after Jesse Putnam had declined the task of shipping the arms that Allen applied to him to charter a ship for the purpose in England.<sup>1</sup>

On January 7, King wrote Allen as follows:

I stated to Lord Grenville, in a conference with him Friday, what had been recommended by Judge Marriot respecting the sale of your arms to the British Government and asked His Lordship whether upon your consenting to such sale upon reasonable terms His Majesty's Government were willing to purchase. Lord Grenville answered that the business was in its regular course, that it belonged to the Admiralty to decide the question of prize or no prize.<sup>2</sup>

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 435, Library of Congress and University of Vermont.

<sup>2</sup> *Rufus King Papers*, New York Historical Society.

He told King he did not want to take it out of the court.

Oliver Phelps, in a letter from Paris on January 18, verified Allen's statements to King and informed him that Monroe had gone to Holland.<sup>1</sup> Monroe had been recalled; the French Government and the American patriots in Paris attributed the recall to spite and personal enmity of President Washington.<sup>2</sup> On the 27th, Phelps sent his affidavit, again verifying under oath the facts regarding the purchase of the arms. He informed Allen that Pinckney, who had succeeded Monroe, had been ordered out of France, and that Napoleon had conquered Italy.<sup>3</sup>

Allen's baggage had been detained, as he had not declared it when he landed from a man-of-war and now could not recover it without a passport to enter the country, although he had been forcibly brought in.<sup>4</sup> This was so absurd that the vexation may well have been lightened by the humor of it.

Captain Bryant wrote from Portsmouth, January 31, how he laughed at the captors, who declined to take his bet of fifty guineas that Allen would get all the muskets. 'They say you will only get what you paid for.' He stated that the guns were all right, and as fast as taken out of one box they were put into another and that, after each box was emptied, the captors inquired from the men unpacking them, 'were there any papers found in the barrels of the guns?'<sup>5</sup> On February 1, a letter and affidavit arrived from Paris from Jesse Putnam: 'I fear if we may judge from what has heretofore taken place where American vessels have been detained by the British . . . that however just your cause may be, it will be tedious to obtain a release.' He wrote that all of Allen's transactions 'were so open and undisguised that I would not only give oath that I believed them [the guns] designed by you for the sole use of the inhabitants of the State of Vermont, but were my existence at hazard I should not fear that any proof could be brought to the contrary . . . Command me without reserve.'<sup>6</sup> Nathan B. Graham, a brother of John A. Graham, of Pittsford, Vermont, then in London, made affidavit that he was in Boston when

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 443, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.* (Thorn to Bailey, January 12.)

<sup>3</sup> *Ibid.*, No. 446.

<sup>4</sup> Wilbur Photostats, No. 690, Library of Congress and University of Vermont.

<sup>5</sup> *Ibid.*, No. 447.

<sup>6</sup> *Ibid.*, No. 449.



Allen sailed, in 1795, and that Allen was urged to buy arms by Spafford, Cogswell, and others and that Allen stated he would buy arms.<sup>1</sup> John A. Graham, on December 16, a few days after Allen had arrived in London, and in the presence of Allen's lawyers, had given his affidavit under oath, which was used in court, that he came to Europe in the ship with General Allen; that he knew that Governor Chittenden had requested Allen to buy arms; that in 1794 he had gone to Boston at the request of Governor Chittenden to endeavor to purchase some for the Vermont militia, but was unable to secure any. He testified that he saw the letter of credence Chittenden gave Allen to the Republic of France; a strong, full statement verifying all of Allen's statements in respect to the entire transaction. He was truthful in these particulars, but his general conduct was such that Stephen Thorn later suggested that the following satirical advertisement be inserted by Graham in the London papers:

Whereas I John Andrew G——m, Esquire, late aid de camp to the Governor of Vermont and now resident in London, am sensible that for more than thirty years past I have lived by *lying, cheating, and swindling*, and that, possessing a malicious heart and false tongue, I have continually defamed my best friend and spread lies invented by myself out of envy, jealousy and ignorance, which are the wealth of my nature and the means of my being *despised* by all those who know me, and having a mind to retrieve my *lost character* in America and Europe, do hereby of my own free will and accord acknowledge my life has been full of errors and injuries, committed against wives, widows, and fatherless children, hundreds of whom in the last twenty-five years of my life I have by deceit and intrigue reduced to wretchedness and misery — therefore I ask public forgiveness and full credit for good in London as I once had in New York, for which I am to pay interest until the principal is paid. Given under my hand and seal &c.<sup>2</sup>

On June 18, 1796, Lord Dorchester had been succeeded as Governor-General of Canada by General Prescott, who, when Ethan Allen was captured before Montreal, in 1775, had threatened to strike him with his cane and later to hang him. He was still the same erratic, egotistical, passionate man, easily imposed on by those under him. On January 20, the Duke of Portland wrote Prescott:

In my public letter of this day's date I have urged you with an anxiety which perhaps may have rather surprised you to enforce to

<sup>1</sup> Wilbur Photostats, No. 450, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.* (Thorn), No. 453.

the utmost of your power a strict attention to the Proclamations you have issued for discovering and apprehending French Emissaries. The reason is that I have received some information so detailed and so circumstantial of the intentions of the French, that little as I may be inclined to give Credit to it, I should not feel myself justified in withholding it from you, or in omitting to recommend to exert your utmost diligence and penetration in ascertaining its authenticity or the degree of credit to which he is entitled.

A Vessel called the Olive Branch from Ostend laden with twenty thousand stand of Arms several pieces of Artillery and suitable ammunition and other warlike Stores was lately taken and brought into Portsmouth. She had on board M<sup>r</sup> Ira Allen, who declared that the Cargo was purchased by him in France by the Order and on Account of the State of Vermont, but it does not appear, that he had or has any document to produce either from the Governor or the State of that Province to Justify his assertion. When all the Circumstances of this Case and the late attempt of the French upon Ireland are taken together, they afford reasonable ground to suppose that the vessel and Cargo were destined for that Kingdom. It happens however since her Capture that I have had some communication with a M<sup>r</sup> Graham, formerly Aide de Camp to Gov<sup>r</sup> Chittenden, but now Married & Settled in this Country — He strongly insinuates from the Knowledge he has or pretends to have of M<sup>r</sup> Allen and of his designs, that the Stores in question were intended for Vermont, although entirely without the Knowledge or Connivance of the Governor or Government of that State, with a view to Arm the Vermontese under the direction and Command of persons of that Country for the purpose of promoting an Insurrection in Lower Canada — For this purpose Graham told me that about the latter end of the Year 1794 (I think about two Years ago) Mons<sup>r</sup> Genet the French Minister had offered 300 Blank Commissions in French to him (Graham) Gen<sup>l</sup> Clarke and Col<sup>l</sup> Lyon, all persons related to and Connected with Gov<sup>r</sup> Chittenden and the two last, as M<sup>r</sup> Graham stated the principal Persons concerned in promoting this plan and gave them a power of filling them up, with the names of any persons they Judged proper instruments for Carrying that plan into effect. Graham further added that M<sup>r</sup> I. Allen had purchased a large number of feathers for Regimental Hats in the course of last Autumn to be sent to Vermont. The Object of the plan Graham stated to be to take possession of Fort St<sup>l</sup> John's by force and afterwards to attempt Quebec by Intrigue and Stratagem that they had Abettors within the Province consisting both of His Majesty's Subjects and French Emissaries and Graham intimated his belief that some of the first description were in places of Trust under your Government, but did not specify any individual except as I think the Collector at St<sup>l</sup> John's. I trust in particular that this insinuation is as unfounded as it is improbable. Graham did not only not pretend but seemed positive that neither the Governor nor state of Vermont were at all concerned in or aware of this design and indeed such a

presumption would of itself have gone a great way to discredit his whole account. — I should add that Graham stated it as his belief that another Vessel besides the Olive Branch had sailed from some other part of France with an equal quantity of Military Stores, destined for Vermont and with a view to forward the attempt above mentioned. Having thus informed you of all I learnt in the Conversation I had with M<sup>r</sup> Graham, I must leave it to your own Judgement & discretion to make such further enquiries as your local knowledge may lead you to think the Circumstances stated by M<sup>r</sup> Graham may deserve; I cannot however Conclude without recommending it to you to act with all possible secrecy and Caution in obtaining the intelligence you endeavour to acquire in order first that the persons concerned (should it appear that there are any such) may not be prematurely apprized of your being aware of their proceedings and secondly that no unnecessary alarm or apprehensions may be raised should Graham's information turn out to be ill founded and unworthy of attention. In truth the very execution of the Proclamation you have so Judiciously issued will enable you to investigate this subject, without its being supposed that you have any additional reasons beyond the present Circumstances of the Province to govern your proceedings.<sup>1</sup>

Copies were also sent to Lieutenant-Governor Milnes and Lieutenant-General Hunter.

A few days after this letter was sent, the Duke of Portland received a letter from Prescott enclosing one dated December 19, from the Attorney-General of Canada, of which the following is an extract:

I have Intelligence of a Spy sent by the [French] Directory into Canada — He came into this country last Saturday week, is meekly habited, and has a Proclamation to distribute. It is thought that he is one of the officers of the Fleet which lately Appeared off the Coast. . . . I find also that our Friends in Vermont are more inclined to favour the projected attack on Canada than we supposed. Ira Allen has contracted at Paris for a quantity of Arms, ostensibly for the Vermont Militia. This however is not probable, because as I am informed, the Militia in Vermont are by Law bound to furnish their own arms. The Government has nothing to do with it. In the second column of the first page of the enclosed Paper you'll see his letter. I certainly believe the Arms he mentions are destined either for the People of Vermont or for the Canadians.<sup>2</sup>

The letter referred to was the one that Allen wrote from Paris in July to the officers of the militia of Vermont, stating that he had purchased arms.<sup>3</sup> It was published in all Vermont

<sup>1</sup> *Canadian Archives*, G-424, p. 187; also C-678, p. 99.

<sup>2</sup> *Ibid.*, Q-78, p. 159, and Report 1891, pp. 66, 147.

<sup>3</sup> *Burlington Mercury*, Friday, December 1, 1796.



papers. As far as the records show there was no foundation for the statement respecting a French spy. The statement that the Attorney-General believes the arms were 'destined either for the people of Vermont or for the Canadians' was but an insinuating way of stating his opinion, but, received in England at this time, it helped confirm Graham's statement and had greater weight than it would have had at any other time.

As King had written, in his letter of December 15, to Pickering, he, on the same day, addressed Lord Grenville enclosing copies of the papers Allen had given to him. Grenville replied to this after consulting the Crown's lawyers in the case, and his letter was sent to Allen, who, on January 31, replied, addressing it to King:

N<sup>o</sup> 340 STRAND LONDON 31<sup>st</sup> Jan<sup>y</sup> 1797

SIR

I have carefully inspected the Copy of Lord Grenvilles note to you concerning the Ship Olive Branch of Boston and am of opinion that the King's advocate is under a mistake for in his Report it appears are these words, viz. 'that the prayer of the Party that he may be permitted to pursue his voyage without further injury.' I have not suggested the most distant Idea against a scrupulous inquiry and investigation of every circumstance concerning the said Ship and Cargo but to the reverse of that much time has elapsed that satisfactory inquiry might be made, and it is incumbent on the Captors to procure sufficient proof or their expected Prize must be discharged with damage &c for a neutral Ship sailing on the open Sea under Neutral Colors, Property and Regular Papers have an undoubted right to go to a Neutral Port — the burthen of proof is therefore on the Captors, as I have reason to believe that there has not nor will not any proof appear against said ship or Cargo, must rely on your Excellency to obtain the liberation of said ship & Cargo, Restoration of Papers with Damage &c or to concert measures with Lord Grenville that an early day may be assigned for a speedy determination of this matter, and that I may be informed when and where such determination may be had much Business and Family connections requires my immediate return to America. When I consider the severe conflict between the Billigerent Powers, and the Cargo I had on board the said ship being Muskets &c do not think strange of being detained for examination. 73 days having already elapsed makes a speedy decision reasonable.

That the case may be clearly understood, I proceed to make a statement thereof. In Lord Grenville's said note are these words viz<sup>t</sup> 'there being no sufficient evidence of the Property on board this vessel.' I have to remark that it is a well known maxim amongst Mercantile Men that the Invoice, and delivery of goods are legal proof that the Property of such goods are vested in the Purchaser.

Why then is not my Contract under the hand and seal of the French Minister the delivery & possession, of the Goods legal evidence of that Property being vested in me, what other proof can be expected or reasonably required to evince my right to the Cargo on board said Vessel? or how is it possible, for any man to prove the rightful owners paid a large sum of Money for it and is in full and peaceable possession of it. As to another clause in his Lordships note 'and there being reasons which render it necessary that more satisfactory proof of other circumstances of the business should be afforded.' To this I answer that I wish to give every satisfaction that the nature of the Business will admit and time for sufficient deliberation and hope that the following statement of Evidence &c will be satisfactory on said doubtful circumstances. that said Ship's Papers many other papers and letters on board said Ship, all evince that said ship was bound to New York, there being no papers found in or about said ship, or in possession of any Person on board said Ship on the most scrupulous investigation of opening and searching all trunks papers breaking Seals &c on board said ship that in the least intimated that said ship was going to any other place then New York — But all such papers prove that said Ship was bound to New York which is a strong circumstantial proof that said ship was bound to New York as aforesaid.

The evidence of Captain Bryant his Mate and the Ships Crew all declare that said ship was bound to New York, which evidence was taken by the King's Solicitor at Portsmouth and are a strong support to the Ships Papers as additional proof that said ship was bound to New York.

Captain Bryants claim and deposition taken at Doctors Commons in behalf of the Owners of said Ship is an additional proof of said ships being Neutral property and that it was bound to New York.

The depositions exhibited prove that it was my intention with the advice and request of the Governor of the State of Vermont before I left America in 1795 to purchase in some part of Europe, Muskets &c to supply the Militia of said state.

As Major General of the Militia of the state of Vermont, I have an ambition to supply said Militia with Muskets and that they might make a respectable appearance at a general Review, and do honor to their Country besides it is good national policy in time of peace for the States of America to prepare for War, and keep a good Discipline amongst their Militia by which they may preserve the Blessings of peace to their Country for many years yet to come.

The United States approved of their situation in the Treaty between Great Britain and themselves reserved the Right when they were at peace to purchase Musquets &c and transport them in Neutral Ships to America — it is therefore a hardship to be detained when acting upon the good faith of and consistent with existing treaties — and further on a retrospective view of the Treaty of 1794 my Contracts with the French Government for Musquets &c and

the Evidence exhibited in this Case will not further detention be a daily violation of said Treaty?

By the Laws of the United States and said Treaty any Citizen thereof taking a Commission or instructions from any King, Prince or State to act in a hostile manner against Great Britain may be severely punished. I therefore annex Certificates N<sup>o</sup> 1 & 2 to shew my real Estate in Vermont and the improbability of my acting under the French Government; for they could no doubt find a Man that would undertake to transport musquets &c to the West Indies &c on much easier terms than it is reasonable to suppose that a Man in my situation would do. — Besides this, I have been at the expence of forming mercantile connections and have purchased and sent to America goods to the amount of about £6000 from the Houses of Mess<sup>rs</sup> Bowerbank Monkhouse & C<sup>o</sup> M<sup>r</sup> Scott, M<sup>r</sup> Golburn of London, Mess<sup>rs</sup> Wigglesworth Hayne & C<sup>o</sup> Mess<sup>rs</sup> Joseph Randall & C<sup>o</sup> of Leeds Mess<sup>rs</sup> Cha<sup>s</sup> Wood & C<sup>o</sup> of Manchester; have also conversed with and got the address of several Merchants of Liverpool, Sheffield, Nottingham, Dublin, Londonderry &c and have left accounts of some of my own and other Lands I had the Agency of for sale with Mess<sup>rs</sup> Bowerbank Monkhouse & C<sup>o</sup> of London, M<sup>r</sup> Sapartas of Amsterdam, M<sup>r</sup> Emanuel Wambersie of Ghent, Mess<sup>rs</sup> Sterling Hornet de Cap & C<sup>o</sup> of Londonderry that such Lands might be sold to advantage.

To form the aforesaid connections in Business has cost me much money, and more than one years absence from my Family, this may have some weight to Justify my Conduct against unreasonable Jealousy.

As to the Idea that the French Government would not sell Muskets &c in the Time of War, I have to remark that the Muskets and Cannon of almost all Nations differ in their Calibre, the Shot and ammunition prepared for the National Arms will not suit those taken from their Enemy; hence Foreign Cannon and Foreign Muskets are of no Service in France in the prosecution of the War and are in effect but a mere article of Merchandize. I did not buy one French Musket, those I have are about half English make, the remainder German and Dutch, it is well known that the French Directory were hard pushed for money last Summer 106,240 Livres paid in Specie might be worth their attention the difficulties in transporting Muskets in time War tends to make them unsaleable from these Considerations my Contracts may be accounted for on fair Principles beneficial to the Seller and Buyer.

I shall only add that if it doth not appear by proof that I am acting under the French Governm<sup>t</sup> I have an undoubted Right to proceed to New York with said Ship and Cargo.<sup>†</sup>

This letter was accompanied by the statement of Orange Smith and Solomon Miller regarding Allen's landed property

<sup>†</sup> *Canadian Archives*, G-424, p. 195; Allen's *Narrative of the Transactions, etc.* (Philadelphia, 1804), p. 19.



in Vermont and a certificate from Thomas Chittenden, Governor, certifying that Smith and Miller are Justices of the Peace and entitled to 'due faith and credit.'

Allen's reply to Grenville's letter to King was, on February 2, enclosed in one from King to Grenville:

Mr. King takes the liberty in behalf of General Allen of requesting Lord Grenville's interference in order that by an immediate trial, or by any less formal examination, the question of his right to this property may be decided without delay.<sup>1</sup>

Little did Allen imagine what Lord Grenville meant by the passage in his letter, 'and there being reasons.' A man of Allen's character could not conceive of such treachery and baseness as Graham's.

Robert Liston, British Minister to the United States, wrote from Philadelphia, January 25, to Grenville that it was rumored that the French planned to attack Canada in the spring with twelve or fifteen thousand troops. 'The principal agent seems to be a man of the name of MacLean . . . of Rhode Island. He derives his authority from Adet, the French Minister.' He stated that Prescott was apprehensive and 'mentioned as a suspicious circumstance' Allen's purchase of arms in France.<sup>2</sup> All of MacLean's activities occurred after Allen left the United States in 1795. Allen never met or knew MacLean, but the English did not know this, and after Graham's information naturally connected it up with Allen's purchase of arms. It strengthened the coil being woven around Allen at this time.

The Duke of Portland transmitted to Grenville, February 13, all the information he had regarding Allen and the arms, and a report made to him by Mr. Scott, 'His Majesty's Advocate-General,' giving Grenville permission to exhibit it to Mr. King. It may have seemed formidable, but, as a matter of fact, the only information he had, was that given by Graham. Prescott had his information from the Attorney-General, who had his from Allen's innocent advertisement of his purchase, and Liston received his from Prescott; all three transmitting the same information to London. The giving of this information to King proves that the British Ministers were making a

<sup>1</sup> London, *Public Record Office*, F.O., 5, 20.

<sup>2</sup> *Canadian Archives*, G-424, p. 193; London, *Public Record Office*, F.O., 5, 18.

political case of Allen's capture and that they controlled the actions of the Court of Admiralty.

It must have been an embarrassing position for Advocate-General Scott, as Scott and Dr. Nicholl were John Jay's legal advisers when he negotiated his treaty in 1794,<sup>1</sup> and the clause in the treaty, insuring speedy justice in a case like Allen's, was drawn by them and agreed to by England, and now, only one year after the Jay Treaty was promulgated, England was breaking her agreement and compelling her servant, who had drafted the clause, to do it. Scott later was appointed to the life tenure of a judge of the High Court of Admiralty.

Stephen Thorn, in a letter to a friend in the United States, wrote from London on March 15, of Jay's treaty:

by a treaty which has made the author as famous in London, as Benedict Arnold is infamous in New London. They appear each to have had the same object in view, the sale of their country, the one only proved successful in his perfidy, for which he has been *well rewarded* and made Governor of New York. . . . The independence of the United States through the aid of France sat heavily on the minds of the British Ministry, they saw intrigue might effect a reunion of the States with Great Britain. . . . Before the union of the State of Vermont with the other States, emisarys were sent there to induce the people settled therein, to join with Canada and become a British Province, which did not suit the genius of the people and on that ground they [the British] refused to have a canal opened from Lake Champlain to the St Lawrence tho' it promised both Canada and Vermont a profitable commerce and to compel the people of the latter to carry on their trade with the citizens of New York at cent for cent disadvantage. Jay's treaty with Grenville confirmed the British right of shutting out the people of Vermont from navagating the waters of the St Lawrence.<sup>2</sup>

Allen wrote home, on February 12, that the examination of his arms (the British were looking for evidence in every conceivable part of the guns) would be completed within two or three days. Feeling that only a lawsuit was going to determine the ownership, he decided to go home. He requested Mrs. Allen to obtain several affidavits which he instructed her to send to James Lorimer, 340 Strand, where he was staying. He desired Heman to make a statement of the debts due him

<sup>1</sup> Allen's *Particulars of the Capture of the Olive Branch* (Philadelphia, 1805), p. 535.

<sup>2</sup> Wilbur Photostats, No. 458, Library of Congress and University of Vermont.

by note, bond, book or otherwise to which add the annual rents of mills, iron foundries &c. in November 1795. To which annex the amount of debts I owed, in particular what sums have been applied to embarrass my real estate in one part — then what has been reserved to embarrass me on my return to the United States in another part. These statements are not expected to be made to a shilling but as near correct as may be convenient in order to lay a foundation for an accommodation in England on some general principles of equitable adjustment in preference to hostile measures . . . from the day of my capture . . . to the present time I have preferred justice in compensation in preference to any other measures.<sup>1</sup>

Nodiah Bissell married Mrs. Allen's sister on January 29, and was in Hartford in February, where he met William Hull and learned from him that he had received goods from Ira Allen, but no letter. Hull stated that, since he had arrived in Hartford, he had heard Allen had been 'detained in London on account of some demands against him from Canada; but how the accounts came he could not learn.'

The Colony of Maryland had during its early settlement purchased stock in the Bank of England and had carried the stock in the names of Englishmen as trustees. The dividends had been used to purchase more, so that, when peace was declared between England and the United States in 1783, Maryland owned more than one hundred thousand dollars' worth, and took action to have the stock transferred to a citizen of that State. One of the trustees refused, and suit was brought to compel him to sign the transfer. It dragged along until 1797, when, on February 10, King wrote Grenville to interfere in the matter, as the claimant could get no satisfaction. This was only one case which is cited to show that Ira Allen was not the only one failing to obtain justice in the English courts.

During the early months of 1797, financial conditions were bad in England; on February 27, the Bank of England suspended cash payments.

The Duke of Portland sent to Prescott, on March 15, a secret dispatch enclosing Allen's representation of his case which he had made to Rufus King.

There appears a certain degree of coincidence between the circumstances stated in my secret letter to you of January 20, last, and those contained in Mr. Liston's letter now before me, which still leaves the question as to the destination of the Olive Branch under

<sup>1</sup> Vermont Historical Society, Manuscripts, *Allen Letters*.



much doubt and uncertainty . . . nothing further has yet appeared in the course of the examination of the case of the Olive Branch which at all serves to clear up this point. I have transmitted a copy of Mr. Liston's letter to the Lords of the Admiralty.

This was the reason no action was taken in Allen's case by the court. He, not knowing the cause of the delay, became very impatient.

On April 7, Allen wrote King complaining that during the past six weeks he had attended court daily with no results. He sent to King copies of affidavits containing further proofs of the destination of the arms. In this letter he offered to sell the arms to the British Government, as he was anxious to return home.

The detention [is] very injurious to me, as all my concerns in America, in which a Capital to a large amount is embarked in various great public undertakings (one in particular is the erecting public buildings for the University of Vermont, to which I have given a donation of four thousand pounds, and caused the materials to be prepared for building), these are kept in a state of ruinous suspense by my absence. One of my objects of my journey to England was the purpose of forming commercial connections, which connections have been accordingly formed, will, by a further detention, be, in a great measure defeated, very injurious to English merchants as I am deprived of the use of the returns of the goods in question if landed in America, which I can fairly estimate at more than thirty thousand pounds sterling.

Nothing was done to build or organize the University during his absence, 1795 to 1801.

This was a strong appeal, and King wrote Grenville at once enclosing copies of affidavits by Thorn, Phelps, Putnam, Graham, Peters, and Smith.

These with those sent you — throw so much light upon the question, and really prove in so distinct a manner General Allen's property in the cargo of the Olive Branch . . . that I cannot avoid again requesting your Lordship's interference . . . to bring the case to a decision.<sup>1</sup>

King urged Allen to return to America and leave his case with his counsel, but Allen was a proud man, possibly stubborn, and would not run away from the enemy. He never had done so and could not do so now. His experience with the judge and the lawyers convinced him that his case would never

<sup>1</sup> London, *Public Record Office*, F.O., 5, 20.

be decided, or would be decided against him, if he did not give it his personal attention. His judgment in this was correct, as the proceedings will disclose.

On April 15, Prescott wrote Portland that he had just heard of the capture of the Olive Branch. 'These must have been the arms referred to in a paper transmitted in my letter.'<sup>1</sup> A wise supposition.

Allen received a vicious thrust from his own country about this time. Timothy Pickering, Secretary of State in Adams's new Cabinet, wrote to Rufus King the following letter, which contained a libelous attack on Allen and statements entirely untrue:

PHILADELPHIA, April 6, 1797

DEAR SIR,

In my letter of this date is a passage which you will be pleased to consider as a *private communication*; because I do not think it proper to enter a man *Villain on record* without conviction in a court or clear proofs in possession. At the same time I have not any doubt of the truth of the fact related, nor of many other instances of General A's dishonesty. I am assured that he is infamous for his villainies: — a fit agent therefore to engage in the service of [Adet]. The passage referred to is as follows.

It is well known that Allen was destitute of property; altho' before his departure from this country he might have obtained some money by swindling. I have the following fact from a gentleman of known veracity. Some persons of the state of New-York, in the new-western-parts, wanted to buy a body of good land in that region, and came to the city of New-York to find the proprietor. This General Allen pretended that the land belonged to him. They agreed on a modest price, two dollars an acre, one third to be paid down, amounting to ten thousand dollars, and the other at a given time, when Allen was to convey the title. When this time arrived, Allen was gone with the first fruits of his villainy — the ten thousand dollars.

I presume it is known ere this time to the British Government, that attempts have been made to prepare the Canadians for an insurrection, to coöperate with a projected invasion by the St. Lawrence. Allen, you doubtless know, has been a good while in Paris, where he was noted for his violent zeal in the cause of the French Republic. All circumstances put together, no one can entertain a doubt of the destination of the arms & cannon laden in the Olive Branch — that they were to be delivered to the Canadians, and such Frenchmen, of the multitudes now in our seaports, as should struggle (to avoid suspicion), a small number together, to Canada to join in the attempt to recover that Country for France.<sup>2</sup>

<sup>1</sup> London, *Public Record Office*, C.O., 42, 108.

<sup>2</sup> *Pickering Papers*, Massachusetts Historical Society, vol. 6, pp. 259-60; Wilbur Photostats, University of Vermont.

It is difficult to understand how a man, holding Pickering's position, could have been so mistaken; later he was compelled to acknowledge his error. About the time he wrote this letter, he wrote Isaac Tichenor, then Senator from Vermont, and Tichenor answered from Bennington, April 21, that he had written to Governor Chittenden for information.

It does not appear from the records of the Legislature . . . that General Allen or Governor Chittenden were authorized . . . to make a purchase of arms . . . it was reported and believed Mr. Allen was instructed by the Governor to procure arms . . . for the use of the militia, two thirds of whom are destitute of arms, and have it not in their power to purchase them. . . . I have no doubt of the upright intentions of Mr. Allen, in the purchase of those military articles. . . . I am anxious from a variety of motives, that Mr. Allen should succeed in recovering the property taken. The militia, by a publication of Mr. Allen . . . copy enclosed, believe through the exertions of Mr. Allen, they should be completely armed and equipped. It is known . . . these arms have been seized by the British. No one accident could have happened so effectually to wound the feelings of so numerous a class of citizens. The enemies of our government [Tichenor was a strong Federalist] that are within our walls, state this seizure as a wanton violation of our rights, on the part of the British. They conceive that a direction from the governor to Mr. Allen, to make the purchase, is equal to a formal direction of the government itself.

Tichenor was endeavoring to obtain and keep control in Vermont, and was elected Governor in October of this year. This letter in no way indicates that he had modified the relentless enmity, always exhibited toward Allen.

Governor Chittenden wrote to the Vermont Senators, Tichenor and Paine, and to Representative Matthew Lyon, April 29, giving all the facts and added, 'the loss of them [the arms] will not only ruin General Allen, but will be severely felt by the militia.'<sup>1</sup> This was almost the last service Chittenden could render his friend; he died in August of this year.

Silas Hathaway, of St. Albans, was concerned in the rumored attempt to invade Canada, and was supposed to be the junto's treasurer. He proved to be a traitor to the cause and went to Philadelphia and informed Pickering of all that had occurred, showing him the estimate of the shipping, men, money, arms, ammunition, etc., required for the Canadian expedition, with certain original papers written by P. A. Adet,

<sup>1</sup> London, *Public Record Office*, F.O., 5, 18.



the French agent.<sup>1</sup> These were copied by Pickering on May 8. No better evidence should have been required that Ira Allen was in no way concerned in this movement, for not the slightest mention of him was made in any of the papers.<sup>2</sup>

Allen, on May 8, addressed a strong appeal to his lawyers. It is so eminently fair and shows how anxious he was to have the matter decided, that the last clause is given in full:

I will Sell the Cargo of the s'd Ship Olive Branch to the British Government, by mutually agreeing on M—— who shall Determine on the Broad Basis of Equity, what sum of money I shall have. In this Proposal I Dispense with Arming the Militia I have the Honor to Command. Lest some of the Muskets might get across the line to his Majesty's Canadian Subjects, & operate against the Interest of Great Britain, where I Expect to have much Business (after this unfortunate war is ended) by way of a Canal from Lake Champlain to the River St. Lawrence; and as the United States are not in War, if the Militia of Vermont are not armed till a General Peace takes Place, which I hope is not far distant, it Cannot greatly affect them, Therefore the Sale of this Property may be to the Mutual Interest of all Considered; for if I Receive the Money it will be Paid over to English Merchants, & Manufacturing Houses, for Goods — the Arms if not wanted by Government, might be sold to the agents of N. York & N. Hampshire now in London, & the Arms would not be Carried near the Canadas & the Blessings of Peace might be Preserved to both Countries, I hope these Propositions will be Received with the same good faith, & Intentions as they are Written.

Thorn had made a short visit on the Continent, returning to London May 13, about the date that Allen began his 'History of Vermont.' On May 24, Allen left a note at Thorn's lodgings stating that his cause would be tried next Saturday. 'Please call on me at 10 o'clock on Friday morning; perhaps you may then inform where Dr. P. is. By the time mentioned shall have another half quire wrote if I am not hindered.'<sup>3</sup> Dr. Peters, after refusing Allen's draft, was ashamed to meet him, but later they became friends and Peters also helped on his history. On May 18, Thorn wrote Matthew Lyon of his having been arrested when he returned to England and taken to London, where he was released. 'Publish this in the Vermont papers to show how the British treat Americans.'<sup>4</sup>

<sup>1</sup> *Pickering Papers*, Massachusetts Historical Society, vol. 41.

<sup>2</sup> State Department, Washington; also University of Vermont Transcripts.

<sup>3</sup> Wilbur Photostats, No. 485, Library of Congress and University of Vermont.

<sup>4</sup> *Ibid.*, No. 482.

Thorn again wrote Lyon, on June 1, from London:

There is some circumstances which makes me apprehensive that Genl. Allen will not for some months get away from this country with his arms.

He requests Lyon to have Secretary of State Pickering interfere.

I can assure you the cargo was fairly purchased, as I am in some measure acquainted with the whole transaction. . . . The property is *bone a fide* American, and the ship also . . . how will this wicked and diabolical detention set on the minds of the inhabitants of Vermont who are subject to be fined for a deficiency of arms when it is not in their power to procure them. I think it will raise their just resentment against this haughty nation and John A. Graham, who is, if his own account is to be credited, a spy upon his country and *countrymen*. Such I can assure you is the opinion of most Americans here.

Thorn reminded him of his presence when he (Thorn) had gone on the bail bond in the suit of Fraser & Young vs. Ira Allen. 'The judgement is not paid; now I wish to make some speculation in the business and which he [Allen] has told me he has no objection to.' If Lyon would notify Fraser & Young that Allen and he were in Europe indefinitely and offer them twelve shillings fourpence in the pound in settlement, payable next December, with Lyon's guarantee of payment, Thorn promised him, if Allen paid the judgment, one half of the profit, but if Thorn had to pay, then Lyon was to have one third of the profit.<sup>1</sup>

I am not disposed to pay it [the judgment] as thereby I should be a great loser; in consequence of Genl. Allen's hard fate in Europe. Notwithstanding he has proposed to give me some property he has in France provided I will settle it, but this property I have endeavored to sell and cannot for more than 13s. 4d. on the pound.<sup>2</sup>

The property may have been the five thousand arms Allen was obliged to leave at Ostend.

Matthew Lyon had, on May 24, written to Pickering about Allen. No appreciation of Allen's great services to the State or to Lyon's father-in-law, Thomas Chittenden, was expressed. His appointment by Allen as one of the commissioners to sell confiscated property in 1777, and Lyon's refusal to allow his

<sup>1</sup> *Stevens Papers* (Thorn), No. 489, New York State Library.

<sup>2</sup> *Ibid.*, No. 487.

books to be audited or make a settlement had been used against Allen. Lyon was an agitator and was not the type of man of whom Allen would make a friend, although on account of his relationship to Chittenden he and Allen had always been on good terms. His statement regarding Allen's possession of his large landholdings was incorrect. Allen was the originator of the Onion River Company and all of his brothers relied on him in obtaining the lands. Only Heman ever put any large sum of money into the venture. They all made Ira Allen the executor and trustee of their estates; for all that they had in Vermont, they owed to him.

*Lyon to Pickering*

PHILADELPHIA May 24th, 1797

SIR:

Agreeable to your permission I have thrown together a few observations on the subject of General Ira Allen's situation — He is the only surviving brother (save one) of the celebrated Ethan Allen; more sly, more cunning than the others, he has contrived to get into his possession almost all the property of four deceased brothers who had each a pretty considerable share of Vermont — By this means he has become the greatest Landholder in our State. He has by building works, Mills et cetera and by carrying them on without Economy become embarrassed in his Affairs and therefore projected going to Europe to sell some of his lands for property to pay his debts.

The Government had long before this been perplexed about Arms for the Militia; in vain had they sent to New York and Boston to see if they could be procured — The law which obliged such of the Militia as were able to furnish themselves and select Men of the Towns to furnish such as were unable was necessarily suspended waiting for some mode or chance by which they might be furnished.

As soon as the Governor knew of General Allen's intention to go to Europe he applied to him to procure the Arms for the Militia; he urged it upon him by all means, knowing that the Legislature would reimburse him either directly by ordering payment out of the Treasury or indirectly by repealing the suspension of the law for furnishing the Militia.

Last August General Allen wrote home that he was like to procure the Arms necessary or at least twenty thousand stands, with some brass Cannon — The joyful news was published in every Gazette in Vermont and the Green Mountain from end to end echoed the pleasing intelligence — Unspeakable is the present mortification of my Constituents among whom General Allen's paper is almost as plenty as R. Morris's is in Pennsylvania to hear that General Allen with the Arms he had purchased for their use has been taken on the Seas and carried into England by a British Man of War. Our Artillery



Companies who are scarcely exceeded by Veterans in military pride, ardor, or alacrity, and had expectations of two brass pieces to a Company are now obliged to look to their old heavy iron gun with the same kind of mortification that the deserving school boy looks to his old torn book after he had been long promised a new one.

General Allen's detention or that of the Arms alarms us at the danger of the Arms being confiscated — You are sensible, Sir, that I have heard it suggested that the British Government apprehend that General Allen must have in contemplation to make an improper use of them Arms by putting them into the hands of revolting Canadians, as he bought them of the French Directory —

With a person less acquainted with Vermont, Canada, and Ira Allen than myself such appearances might have plausibility. General Allen's ultimate ambition is to serve himself, and the state of Vermont — He wishes to restore that popularity he has lost there and he would be proud of having procured the Arms for the Militia; especially for his own large Division at a reasonable rate by means of a little winking and blinking between citizen Allen and citizen Directors. As to the idea of the Arms being got into Canada to be put into the hands of Canadians disposed to make disturbance in the Government, such a thing is impossible. There is no practicable avenue to any body of Canadians; the water is guarded and the intermediate lands are settled with people well affected to their own Government, and our Government would take the most speedy and efficacious measures to prevent a thing of the kind not only on account of saving the arms among ourselves, but to maintain that good understanding which happily subsists between the citizens of the two Governments on both sides of the line.

I can assure you, Sir, that the peace and welfare of Canada is very near and dear to the citizens of Vermont — Under its present Government a very great number of my Constituents have brothers, Sons and fathers who have moved into that territory, have taken the oath of Allegiance, and confidently assert their satisfaction under the Government. There have been large and generous locations to my constituents in the territory adjacent to the district I represent, the lands on the line are cultivated for many miles together, it is good and about as thick settled on both sides as any part of Vermont, and thousands from Vermont have already moved over — There is a continual stream of emigration there which is resupplied to us from the New England States — Such is the strength, influence and activity of the Vermonters who have moved over the line that they elect the member of Parliament for St. John's District.

As to the suggestion that there have been French emisaries in Vermont, that is entirely without foundation. I pledge myself that if any such should appear there they would be treated both by the Government and the people so as all good men would think they deserved — An attempt of that kind would raise the indignation of my Countrymen. The martial spirit of the Green Mountain Boys is in a great measure awakened to the wrongs they think America is

receiving from France. Several of the most influential and best officers who fought at Hubbardton, Bennington and Mount Defiance and Lake George have applied to me to recommend them at the War Office in case of a rupture, sure that they could march a respectable number of the hardiest Soldiers on the shortest notice.

I think, Sir, on viewing all the circumstances you will be convinced of the policy, propriety and necessity of giving every convenient assistance to General Allen. As it will favor our Country, our Citizens will look to every instrument of the release of the Arms with gratitude.

I am by no means fearful of entering into any kind of engagement that General Allen if permitted will do his endeavour to get the Arms to Vermont.

I am Sir,

etc.,

M. LYON<sup>1</sup>

Lyon wrote a letter to Allen requesting the State Department to forward it.

Pickering was obliged to modify his estimate of Allen's character and responsibility in the following letter:

DEPARTMENT OF STATE, *June 16, 1797*

*Rufus King, Esqr.*

DEAR SIR,

I inclose a letter from Mr. Lyon, a new member of Congress from Vermont, to Gen'l Allen.

The Senators and that Representative from Vermont (the other Representative was not chosen when the present session commenced) have shown me a letter from Governor Chittenden, desiring them to seek the aid of the British Minister in favour of General Allen's claim for the restoration of the arms and cannon he procured from France and which were carried into England. I have handed that letter to the British Minister, together with a letter from each of those Gentlemen, in which they concur in one opinion that those arms and cannon were really destined for Vermont. They say that General Allen was embarrassed in his pecuniary affairs, for relief in which he has pledged real property to a large amount, to redeem which was the object of his voyage to Europe, by some important speculation to which his genius was well adapted. Governor Chittenden advised him to speculate in *arms*, for the purpose of supplying the militia of Vermont, who, by the law of that State, were required to furnish themselves, or if paupers, their respective Towns were to supply them. The penalty for not being furnished was considerable. General Allen being successful in obtaining arms in France gave notice of it to Governor Chittenden, who formally communicated the information to the Legislature of Vermont, last fall. In consequence of the expected arrival of these arms, the Legislature

<sup>1</sup> London, *Public Record Office*, F.O., 5, 18.

suspended the law above mentioned, to give the militia this opportunity of arming themselves, before the penalty should be exacted. Other circumstances relative to the character of General Allen and the nature of this speculation, lead me to think that the real objects of it were, to arm the militia of Vermont with arms which cost General Allen (or rather for which he made a bargain in form with the French Minister of war) twenty-five livre, but which he would readily sell to the militia for fifty livres to the number of ten or fifteen thousand in that State, and the residue to the militia of the neighboring States, or to the Governments of some of the States; and thus relieve himself from his incumbrances on his lands, which those gentlemen assure me are extensive and worth perhaps 200,000 dollars, but a great part of which he has already forfeited, and will forfeit much more by means of the detention of the arms in question, unless they should immediately be restored, and his creditors where forfeitures are already incurred should from equitable views relinquish their strictly legal rights.

The Gentlemen assure me that the most friendly intercourse has taken place and is increasing between the inhabitants of Vermont and those of Canada; and nothing would be more impracticable than to induce the former to aid an insurrection against the British Government in that Province.

Upon the whole, it is the real wish of the Executive of the United States that the arms and military stores in question may be restored to General Allen, to be brought to the United States where they are much wanted. By General Allen's letter to Captain Gould of which you sent me a copy, the General offered to give caution for the landing the arms etc. in New York. Upon such security, I hope there will be no difficulty in restoring them. [Allen letter, November 21, 1796.]

It is but a few minutes since I was informed of this conveyance by the William Penn. I will write you in a few days by the British Packet, when probably Mr. Liston may communicate his ideas on this subject.

We have this day a report by letters from Boston, that the French Directory have proposed to the Council of 500 to declare war against the United States, and the Council rejected the proposition. No act of the Directory can any longer excite surprise.

I am very truly yours

TIMOTHY PICKERING<sup>1</sup>

Pickering's letter was followed by one from Liston to Grenville:

PHILADELPHIA 17th June 1797

MY LORD:

... From the letters of which I have the honor of sending copies inclosed/communicated to me by Colonel Pickering/, it appears

<sup>1</sup> United States Department of State, *Pickering Papers* (in Massachusetts Historical Society), vol. 37, fs. 187, 188; New York Historical Society, *King Papers*; Wilbur Photostats, University of Vermont.



that the arms purchased by General Allen in France were actually destined for the Militia of Vermont, who were obliged to furnish themselves with them by a law, of which the operation was suspended only because of the impossibility of procuring the necessary supply in this Country; that the purchase was a speculation probably suggested by the Governor of the State as the means of repairing General Allen's broken fortune; and made with the greater advantage in France, because of the art with which General Allen may have represented to the Directory the possible use that might be made of them in the present circumstances.

At all events there seems to be little danger in permitting the arms in question to be conveyed across the Atlantick, and landed in any port of the United States, after the degree of attention that has been awakened in the federal Government to their real destination.

I have the honour to be with the greatest respect,

My Lord,

Your Lordship's most obedient humble Servant

ROB. LISTON<sup>1</sup>

Governor Prescottt from Quebec on June 24, wrote Portland:

I have no additional proof. . . . I may add Ira Allen is well known here as a man of desperate fortunes; and that the lands he boasts of being possessed of are so deeply mortgaged as to be of little or no real value to him.

This was another false statement. His debts were many, but his property was not encumbered for more than what he owed Hull, which was some fifteen thousand dollars. He had borrowed about fifteen thousand dollars in Boston, at a high rate of interest, from Newman and others, but they had foreclosed and sold one large farm which satisfied their debt. Prescottt's letter continues:

As to his rank of Militia General, it can give him no consequence in the eyes of an European acquainted with the United States; and more especially with the state of Vermont. The Governor of which is a man of the meanest education, and was lately the Keeper of a Country tavern. I mention these particulars to show the utter improbability of Mr. Allen's being empowered to make a purchase of the arms and military stores in question which must amount to an expense far beyond the ordinary means of the State to support.<sup>2</sup>

This was the manner of information sent to the British Foreign Office regarding Vermont and Allen.

In the Court of Admiralty, Allen's case was heard May

<sup>1</sup> London, *Public Record Office*, F.O. 5, 18, No. 25.      <sup>2</sup> *Ibid.*, C.O. 42, 109.

19. The Olive Branch was released, as he said it would be, and, if Graham had not given his false information and the MacLean incident had not occurred, the arms might also have been released. The case was adjourned to June 13, when the judge spent fifteen minutes insulting Allen and the people of Vermont. He directed further proofs from him, although it was the captor's place to submit proof. The further proof in the form of numerous affidavits was submitted. These had been given to His Majesty's proctor, Scott, a month previous, but never shown to the court. The proctor for the King asked for delay and kept the case in court daily. After several days he claimed the arms were for Ireland, but Allen's counsel produced such proofs that this claim was abandoned. Dr. Nicholl, one of Allen's lawyers, was addressing the court when the judge interrupted him:

Why, doctor, I am surprised that you will attempt to support such a cause? What, the state of Vermont want twenty thousand stand of arms? No such thing, four or five hundred would be enough for them; why, they are a young, sucking state, the people were a banditti, transported for crimes from France and England; not well settled in government. That these arms may be intended against Mr. Washington, that the claimant was like Romulus and Remus, who sucked the wolf, full of fight and revolution; that he knew he was a military man, by his step on the floor, that his name (Ira) denoted rage, revenge and madness.

This remarkable statement was punctuated by the judge with a bland smile, and the people in the court laughed. Had the claimant attempted in court to vindicate the character of the people of Vermont or himself, the judge might have confined him for contempt of court.<sup>1</sup> The judge was old and unwell and part of the time rambled along in his speech. As the judge had received his impressions of Vermont from the many misstatements of Sir William Scott, the King's proctor, Allen decided to write Scott, June 17,<sup>2</sup> stating how Vermont originated, from where the people had come, and who had settled the State. This letter must have been shown to the judge, for on June 29, he said, in a rambling, foolish talk, 'there was a time when I had not the best opinion of that place [Vermont], but I believe it is pretty well regulated now.'<sup>3</sup>

<sup>1</sup> Allen's *Narrative of the Transactions, etc.* (1804), p. 260.

<sup>2</sup> *Ibid.*, p. 73.

<sup>3</sup> *Ibid.*, p. 86.

Realizing the nature of judge and court, Allen, anxious to obtain a decision, sought an interview with one Captain Auchram, a former captain who was now a merchant in London and who represented the captors. After some correspondence, he invited Mr. Allen to call at his office, with an agreement in view. Allen made several proposals and then requested him to 'name' his proposals. The captain had only one, and that was the insulting suggestion that Allen should acknowledge that the arms belonged to the French Government. Even the captors could do little until the British Government gave the word that they had no desire to detain the arms longer.

Allen used the time he was held in London by this case in working on his 'History of Vermont.' June 14, he wrote Thorn, who was reading his proof, 'I am writing from memory, but Williams has a number of matters in his history that are correct. I furnished him with many materials for that purpose.'<sup>1</sup> And, on June 20, he wrote Thorn, 'My cause is assigned for trial tomorrow, call on me at 9.30 for some further minutes of the History. I must hasten or I shall not have time to get it compleated before other business will call my attention.'<sup>2</sup> He was always sanguine of soon winning his case. Thorn and Peters were correcting and helping to compose Allen's history as fast as he wrote it. They evidently were not having their way, by the following; Thorn to Peters:

I have enclosed you a scrawl, which you from personal information will be able to correct, I conceive it not necessary to make a long story about nothing, it will be advisable to follow the General's ideas and language in transcribing the part of the manuscript you have, as near as possible, as he concludes his style is superior to that of Demosthenes, or Robespierre, and do not put him out of that conceit and let the history be what it will a . . .<sup>3</sup>

The Reverend Samuel Peters was a man of some abilities but egotistical and positive. He never would give up calling Vermont, 'Verdmont,' the name he gave it, he claimed, long before its independence. He poured out his irritation to Thorn in a letter of June 9:

Genl. Allen's 3d Vol. is chiefly in the first and second volume already transcribed by you and me, with such necessary alterations

<sup>1</sup> Wilbur Photostats, No. 493, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 497. <sup>3</sup> *Stevens Papers* (Thorn), No. 491, New York State Library.



and additions as will constitute the Genl<sup>s</sup> book, when printed an History — but I suppose any thing not exactly conformable to Vermont ideas and family egotism will be rejected — The Genl. thinks Ver- is to be preferred to Verd- and sevel government to civil regulation under a convention — The Genl. has bones enough but he wants sinews, arteries, veins, flesh and skin — Stiffknees, [Graham] had neither of the one or the other. If the general supposes he shall gain honor by a publication, he must depart from 1000 things in his manuscripts or be damned as Stiffknees is — Not a word have I added to his account against Genl. Schuyler — yet he thinks I have — let him read his own — half of his sentences are imperfect, and as he chuses his own way, why in the name of common sense does he torment you and me, with four pages about nothing? All his story about Gale is in a nut shell and resembles the man who went around a copse of wood expecting to find a bear and when he got round he did not find a bear. This last volumn [Peters did not always spell correctly] is duplicate upon duplicate, half of it is not legible by me — why did you not purify it and enable me to know the Gen<sup>s</sup> meaning — I wish you to burn all I have done after you have gutted it — for if the Genl. will print according to his own plan — I wish never to see it. [The Genl. did print it according to his own plan.] The duty on paper in England to print 300 of this book will pay for the printing of it in Boston. I think the Genl. should not print the history in England, for 200 reasons, his own egotisms will damn the book with Stiffknees' stupid book. [A descriptive sketch of the State of Vermont. London 1797. Graham.] Time is wanted to put proper documents and quotations necessary to make an history of it, besides the object in view, of some consequence to others, will perish with Port Admiral Parker, by a general peace — for 1797 — then a fig for future sorrows and foreign coasts to *I — thou*, he and me.<sup>2</sup>

Nevertheless, Allen's history still remains the best political history of Vermont that has been published.

A proclamation was issued by Governor Chittenden late in the summer of 1797:

In Pursuance of a requisition of the President of the United States, . . . The Commander-in Chief directs, that two thousand one hundred and fifty of the militia of this State be organized, armed and equipt.

The proclamation closed with

The Commander in Chief has so often witnessed the military zeal of his fellow citizens, that he flatters himself this requisition will be executed with promptitude, and with that cheerful compliance with

<sup>2</sup> *Stevens Papers* (Thorn), No. 492, New York State Library.

the laws of the Union, which has heretofore so justly characterized the Citizens of Vermont.<sup>1</sup>

Allen's arms were still in England and the militia could not turn out for want of equipment.

On July 1, Allen wrote to a friend in Vermont:

I find the court of admiralty the most litigious I ever met with, my detention quite tires my patience, and is extremely injurious to all my concerns, both at home and abroad. Nearly eight months have elapsed, and not the least proof has or ever will appear against the cargo I claim. But 'Pharoah wont let the people go.' I was apprised of the difficulties I had to encounter, and the means of redress, in December, January, February, March and April. I wrote for the depositions of Gov. Chittenden and Gen. Spafford, which have happily arrived in due season, together with the interference of the government of the U. States in my favor. These communications, together with other proofs, I hope will be sufficient to do away all the jealousies and envy that the malignancy of human nature is master of, if so, my property will soon be returned with heavy damages for detention, &c. and shipped to America without loss of time.

The militia of Vermont may prepare for their arms, and a field piece for each regiment. I shall also procure feathers, &c. and hope to see my countrymen make as good an appearance as the King's guards in St. James Park, or a review when attended by his Majesty in Hyde Park; which reviews I have several times attended.

My detention has been owing to Vermont's being in the neighborhood of Lower Canada, where, I am informed by late information, that a revolutionary spirit subsists among the Canadians; this locality ought not to operate against a citizen of the United States, who by the laws of nations, and recent treaties with the government of Great Britain, have an undoubted right to purchase military stores in France and carry them in neutral ships to America, therefore this will be a heavy argument for damages; and John Bull must pay the fiddler. Much more might be said on this subject, but this will suffice for the present. I hope to have the pleasure of a personal interview with you soon after my arrival in America, which, I presume, is not far distant.<sup>2</sup>

Mrs. Allen obtained the several affidavits which had been requested by her husband, and which included one from Governor Chittenden. These, with copies of the Vermont newspapers containing his notice to the militia, sent by four different ships to insure delivery,<sup>3</sup> arrived in England, and on

<sup>1</sup> *Stevens Papers*, New York State Library, Tichenor box; Library of Congress and University of Vermont photostats.

<sup>2</sup> *Rutland Herald*, October 30, 1797.

<sup>3</sup> Wilbur Photostats, No. 472, Library of Congress and University of Vermont.

July 5, with a new affidavit by Allen, were presented to the court. Previous to this his counsel had taken up his case with the Speaker of the House of Commons, who had seen the judge and urged a decision. Allen had also agreed to go to Paris to endeavor to obtain the original certificate to buy arms given to him by Governor Chittenden which he, at the request of the French officials, had left with them. After some argument the judge delivered himself of the following, which is given in full as another exhibit of the British High Court of Admiralty, and of the Right Honorable Sir James Marriot, Judge:

This cause has appeared before me in a very singular and a very suspicious light, when I consider the very particular situation of this country and France, and when I consider the French system of dividing all the Governments almost over the face of the globe, by dividing the multitude of republican governments, by the French rulers, who appear to like no cut but what is of their fashion, and at a time when the invasion of this country, of [or] an invasion of Ireland, was threatened (and this country is at no great distance from the coast of Ireland) though, to be sure, the intentions of the French were extremely plain, and there is a particular description in a letter from a person in America, of the French bringing down their whole force from one end of the continent to the other, and at that time, this ship, laden with 15,000 muskets, which, as I am informed, were perfectly in order, not wanting the assistance of locksmiths or gunsmiths, and there, at New York, with all these accoutrements, the scabbards for the bayonets, cannon one and twenty pieces, with all the accoutrements relating to them, are taken on board a ship, which appears an American ship, this ship sailing at such a time, and taken in such a situation, and under those circumstances, this cargo is not to be compared to cotton, or staves, or wine, or corn, but it is in its quality, in its quantity, such as to create the highest suspicions, and therefore, I am extremely surprized that the Counsel and Proctor should seek, as they do, and as they did, in saddling his Majesty's officer with costs, who did very well what he did; but if there are suspicions, it is necessary to clear away those suspicions, and the Court has mentioned them.

As to the business carrying on by Mr. Allen, as to Mr. Allen, he may be, in a mercantile sense, for as such he presents himself here, a very honest, a very upright man. I give my opinion, perhaps rather too freely, in speaking of the mode in which causes are to be carried on, I do so, because Americans, in general, I find extremely ignorant of general jurisprudence [he found one in Ira Allen who was not], and I find all those attached to the French very much mistaken.

As to their going into further plea and proof, I entered so fully into that, that I need not mention it now. . . . I set my face against



it to prevent eternal litigation, in favor of the neutral, but further pleadings and provings may be necessary, and it proves to be a very great question here in this cause, whether I should think further proofs and pleadings are necessary, Mr. Allen offers that, he does not say in what way, but he does wish that I would give my opinion on the ultimatum of the case.

When I turn back to the papers and find that there has not been much delay since the claim was given in, and when I think what it is to correspond with America, in the present unfortunate hostile state of the ocean, and of the Atlantic in particular; under such circumstances it appears very plainly it makes a point in favour of going into further proof . . . when I was to give my opinion about purchases made by the enemy, for this is not a purchase made by New York or Leghorn, it is not a purchase made from a French Merchant at Bordeaux by an American Merchant, but it is purchase of a very singular nature, it is a purchase of the French Military Minister, if therefore, it does not come up to that idea which I have laid down, I can only say at present, I am not satisfied that there has been a total conversion of that property.

I said I wished that the Lords of the Council had considered this, for they best knew what ought to be done for the salvation of the whole country and that is the best country which tends most to make the subjects safe and happy, providing also that the state should run no hazard; I say, if they had given their opinion how far trade may be carried on by a neutral, I should be happy, and should not be driven to the necessity of giving my opinion . . . what opinion have I given, that the neutral may go from his own port to the port of an enemy, that he may in open market, not with connivance or machinations of any sort or kind, but in open market make purchases, and that he must pay the full equivalent for the purchase, then there must be a full purchase, and drawing and redrawing, and all those tricks, for tricks I must call them though of use to the mercantile world; I hold that, not to be a fair purchase out and out, therefore it does not come within my discription, it must therefore be a complete purchase.

Well, is this proved, has it been a fair purchase? I am informed, and informed from great authority, that the French are so desirous of detaining the prizes they take, that they have come to a resolution that no neutral shall buy, but be subject to the condition of future redemption, than an equity may arise upon them; why, is that buying out and out? Why, what have they done with Mr. Allen, the French Government says he has paid so many thousand livres, is that a sufficient price, and what proof have we of it? I think he says it is paid, so that so far the fifth contract is carried into execution and at the end of seven years the remainder is to be paid, and Mr. Allen has made himself and his heirs subject to the payment of that money: is that a legal transaction in any one view in the world? Is it a legal transaction, I will not say according to the law of America, but to any general law whatever, that any man should subject him-

self and his heirs, and his improvable possessions as a pledge to another State? Can the Duke of Northumberland, for instance, for any purposes, and more particularly for the purpose of arms, to adorn the Castle of Alnwick, can he enter into contract with the King of Denmark, or with the King of Sweden, can he give them power to come and enter his lands? Then on what sort of grounds can such a contract rest?<sup>\*</sup> Why, some of these parties are cobblers, some are shoe-makers, some are taylors, they are all sorts of things, and no wonder that their ideas are not very nice; but is France to have a settlement like Vermont? If she should say Mr. Allen has not paid me, his lands are subject to my controul, I will send a body of troops, I will go through New York, I will take his estate, I am imposed upon: it is a very easy thing, and if Mr. Allen never pays them, I do not see how the devil they will force it; that is an improper expression; well, but Mr. Allen has mentioned this to Governor Chittenden, over a bottle of wine, that he intended to take the tour of Europe, he mentioned that he intended to purchase these arms . . . says he, I wish you would get arms for your Militia there is very little provided, it will be a very good thing, and I will get at them, and they shall be for everybody that will buy them of me . . . as to Governor Chittenden, I know nothing of him, he may be in league with France for anything I know, and Mr. Allen, not but Mr. Chittenden encourages him clearly, gives him his largest credentials for the French Government, so that I suppose Governor Chittenden has some conversation with the French Government . . . well, he goes, and he goes, after this canal at Lake Champlain, perhaps for still better reasons of his own . . . then here is another view, and to which we have many affidavits, one is of a linen-draper, he did not want shirts for his Militia, but it was to supply some relations of his, who were to turn linen-drapers at Vermont, I suppose . . . then he must buy some feathers for his men, and he must send some more if they like the pattern . . . here is Governor Chittenden's approbation over a bottle of claret oh, says he, it is not at all necessary that I should have the authority of the States, no law of Europe requires it, says he, there is my very good friend, Mr. Rufus King, the Ambassador from America, he says, he does not know of any law in America, or the American States, which prohibits the buying of arms, and bringing them into the country, and then he goes on and says, because it does not prohibit them, therefore they are free.

I am very much surprised that Mr. Rufus King should come in that sort of way, and, perhaps he may be more mistaken than he thinks, for I do not know but the Kings Advocate mentioned very proper restrictions of importing arms into Great Britain; but suppose the Duke of Northumberland, standing on his great estate, says, I

<sup>\*</sup> Allen produced one case in Pennsylvania where a judgment had been given in favor of the King of France in 1786; and another judgment in the same State had been given November 20, 1799, in favor of the Republic of France and satisfied February 24, 1800.

will import 20,000 stand of arms, I will have a park of artillery in my garden, and if you ask my intention, why I will arm all my tenants and my neighbours, and my lieutenants, but I will have no communication with the King's minister; would he not be liable to be called upon? I fancy his being a great man, and having great possessions and landed property, and so forth, that would not do for them; I do not say that you may not buy a quantity of fowling pieces, even a quantity of muskets, if you want them, or to buy one and twenty pieces of cannon, but here is everything complete, and fit for immediate use, which makes another part of the suspicion.

Are you to go and buy such a quantity as this, and import them without any authority but your own? He says, yes; where then is the sovereignty of the American States? Have they no Secretary at War? Have they no President of the Council? Shall you, a private subject, do this on no authority but your own? I say no, he is prohibited, not by America, but by what I may call the general law of nations, and my idea of sovereignty. I am sorry to say I am mistaken, I was in hopes the Americans were well settled, I am afraid they are not, and that this is yet a proof that they are not well confederated, and that there is not a good center of union, and I say, without a good center of union, not a government or army can be conducted; it is like a circle, the rays that proceed from that center go to the circumference, and back again, and they all find the most strong repulsion or attraction, and therefore, to say that any man can import arms into any country, of his own head, is a very strange doctrine.

Another consideration is this, which I think Dr. Lawrence, in a very strong way, pointed out, and it was not denied on the other side, that the French actually revoked their treaty nine days before the contract was signed with America; but, what, are we to contend that these arms were intended for the use of the Directory? they were not intended for the use of the present American states, with whom they mean to quarrel, whether they mean to quarrel with Vermont I do not know, whether they mean to quarrel with New York, I do not know they could; the President says, that every kind of means had been taken on the part of the French Government, for a great while, to lay a stress on the neutral State, the French knew very well what they were doing, they knew very well the state of their funds in America, perhaps, if he knew that, he would never have entered into the contest, and one cannot feel otherwise than that man did, that had very great suspicions of the whole country, yet at the same time it is an affair of such consequence, and affects Mr. Allen's character very much; he certainly is a man of great consideration, and whether he meant it or no, must be left to his own breast, that four-fifths are to be paid by Mr. Allen to the French, and four fifths are at present vested in the French Directory; but Mr. Allen says, now I have procured this evidence, I wish to have further time, if I give him further time, he ought to think it a very great indulgence



by the Court, but the mode must be proscribed by the Court, which is by the act of parliament, that pleading is open to the other side, to one side as well as another, is limited, therefore, in this case, if I give him leave, according to act of parliament, to go into further plea and proof, he ought to think it a very great indulgence; three times was he charged with his proofs, and three times was he beaten back, I will give him one more reply, let him come with that reply, and then I will give my opinion.

I have spoken my mind pretty freely the other day, with respect to Masters, and though it is very proper in some cases not to give Masters anything, yet I do not say this is your case, I have no objection to her having her freight, or anything else, but I shall not do it till I hear the case.

*Dr. Nicholl.* . . . There is an affidavit, in which he says he [Bryant] has no possible means of getting his ship away.

*Sir James.* . . . I do not believe that affidavit.<sup>2</sup>

A true copy, examined by my shorthand notes. E. HODGSON, shorthand writer to the Old Bailey, eleven years, Elim place, Fetter lane.

After this speech, the necessity of forcing a decision was obvious, and Allen addressed the following letters to his counsel:

LONDON, *July 10th, 1797*

GENTLEMEN,

After an interview with his excellency Rufus King, Esquire, Minister of the United States to the Court of London, on the subject of my cause, I have to remark, that by the laws of Great Britain, in the present state of my cause before the Honourable Court of Admiralty, I have a right to receive the property on bail, which I will give, under this clear understanding, that the cargo of the Olive Branch shall be shipped to New York.

That in order to do away ill-founded jealousies of hostile designs against any part of the British Empire, I hereby offer to sell to the British Government at a fair price, to be mutually agreed on, the cargo of said ship . . . but in this case I should expect no further concern in the cause depending at the Doctor's Commons, but that bank bills will be deposited in the Bank of England to answer my drafts in favour of any merchant or manufacturers of Great Britain, to the amount of the sum stipulated; that in case Government do not incline to purchase the said cargo, you prepare and enter pleas agreeable to the order of Court, that no question may arise for not entering pleas in due time, and that you give me the necessary instruction to carry the same into effect, that I may avail myself of the advantage of the interference of the Government of Vermont with the Government of the United States, through their Minister, in this cause, that justice may be done without delay. I desire that

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, pp. 95-100.

you take the necessary measures to carry these matters into effect with all possible speed, as my patience is almost exhausted.

I have the honour to remain,

Your most obedient

Humble servant,

IRA ALLEN

DR. NICHOLL

DR. ARNOLD

ROBERT SLADE, ESQ.

LONDON, *July 13, 1797*

GENTLEMEN,

Eight months have nearly elapsed since my detention, when sailing under neutral colours, the ship and every article on board American property, bound to a neutral port, which appeared clearly by the ship's papers, and other papers on board the ship *Olive Branch*, which was also proved by the evidence of Captain Bryant, and all the ship's crew, which ought to have cleared the ship and cargo in the first instance . . . after this long elapse of time, not the least evidence has appeared against the cargo of said ship, or its destination to New York . . . but to the reverse of that I have proved that for four years past, public measures have been taken by the Governor and Militia Officers of the State of Vermont to arm the Militia . . . that they were very deficient in arms . . . that as Major General, I refused to review the said Militia because they were deficient in arms . . . that I made it a matter of public conversation that I meant to purchase arms in Europe for the use of said Militia, before I left America, on the passage, on my arrival in London, before pensioned loyalists and British officers, that I had never seen but a few days before.

That I made the purchase of arms public in Paris, mentioning in June that I was in treaty with the French government for arms, and in July 1796, mentioned that I had compleated a contract for 20,000 muskets, furnished with their bayonets, and 24 brass field-pieces for the use of the militia aforesaid . . . agreed with Mr. Putnam to ship them for me to New York. . . . I also repeatedly shewed the written request of Governor Chittenden for that purpose; I wrote an advertisement, addressed to the militia officers of Vermont, on the subject of said purchase, on the 15th of July last in Paris, sent it by the way of London to America, and it was published in the newspapers there, before the capture of said ship; these facts are supported by fourteen depositions taken very remote from each other, alluding to transactions of four years past, in three different countries, viz. America, Great Britain, and France, yet all happily agree in supporting each other, and that said arms are neutral property, intended for the use of the militia of Vermont.

In addition, are Governor Chittenden and General Spafford's depositions, clearly proving that I was requested by Governor Chittenden to purchase arms and other implements of war, for the use of

said militia, and that they well knew it to be my intention to purchase arms for the use aforesaid, before I left America in 1795; with these depositions are two Vermont newspapers, containing said advertisement, a true copy of which is among the papers Captain Gould took from me; this, together with the contracts of purchase, acknowledging the payment of 106,240 livres, stipulating the payment of the remainder, under the hand and seal of the French minister, and my own hand and seal; the delivery and possession of the property are not, as appears by order of court, sufficient to prove my right to said cargo and its destination; was there ever a cause so clearly and fully proved in a court of Admiralty since Julius Caesar landed in Great Britain? But after all this, the question is, whether I may be even permitted to receive the property on bail.

When there is an existing law of Great Britain in my favor, not moving for it, is voluntarily suspending my right, I therefore say this day in my name, as a citizen of the United States, entitled to the justice of the laws of Great Britain, ask for, and insist on my legal right to receive my property on bail.

At the same time, if said cargo be this day delivered to me on bail, I will sell it to the British Government on the principles stated in my letter to you of the 10th inst, if they chuse to purchase. I urge this decision, as I cannot attend another term of court.

I am etc.,

IRA ALLEN

DR. NICHOLL

DR. ARNOLD

ROBERT SLADE, ESQ.

Allen (never having seen the letter Lyon wrote to Pickering), in acknowledging Lyon's letter to him, which had been forwarded to King in the diplomatic bag, wrote him, July 22:

I was honored with your letter on the 19th Inst. by Mr. King, who also informed me of the instruction he had received from the United States, that he immediately communicated it to Lord Cornwallis [Cornwallis was friendly to the United States and favored treating them with justice and liberty]. I expect to have my business brought to a close next week. . . . I sent bills to Mrs. Allen by Capt. Turner to Boston . . . wrote Bissell or Enos to call for them which would enable Mrs. Allen to realize about £7.000 which I hope she has received and that it may relieve some of her anxiety. . . . I was extremely sorry to hear of the Governors ill state of health, hope he has recovered. I shall bring property with me worth £30.000 [the guns] that I have paid for or have seven years credit at 5 per cent interest. I have made great and good speculations and having been unfortunate in consigning goods shall see to the main body. [This must have referred to goods consigned to Finch and Enos.] The militia of Vermont may expect soon a supply of arms from me nor will the confidence my friends place in me be dis-



appointed, *I am Ira Allen yet.*<sup>1</sup> . . . wars still rage in Europe. . . . I hope the United States will concert measures to keep out of the war, there is no nation on earth that they can in present circumstances be benefited by a war with, they had better suspend their commerce than entangle themselves with the wars of Europe.<sup>2</sup>

On July 24, Allen wrote to Thorn:

I have called three times within these two days but had not the pleasure to see you. I feel yet disposed to complete the History which may be soon done with your assistance but we must be together. I have therefore to request you to call on me with the remainder of the papers tomorrow between 10 & 11 o'clock when we will make the necessary arrangements.<sup>3</sup>

As late as August, Pickering was still unwilling to believe in Allen's honesty, as he wrote, on July 28, to Andrew Ellcott, who was engaged in settling the southern boundary of the United States with the Spanish possessions, to forewarn him against plots in the South, similar to the MacLean affair in the North.

Three Americans (one called Gen'l McLane, by a French appointment, his Brother, and one Butterfield) we are informed, have been arrested at Quebec, tried and hanged, for conspiring to raise an insurrection in Lower Canada. It is said in the Newspapers that Gov. Chittenden of Vermont, and a few other leading characters there, together with Gen'l Ira Allen, now in England, are implicated in the plan. It is a fact that Allen made a contract with the minister of war in France for 20,000 stands of arms, and 24 pieces of brass cannon (6 or 4 pounders) *ostensibly*, if not really, for the militia of Vermont, and loaded them on board an American vessel called the Olive Branch, which was taken and carried into England. I have copies of the contracts. The purchase amounted to near 100,000 dollars — a small part acknowledged to be paid in hand — the residue to be paid by instalments. Allen applied to our Minister for assistance, to get the vessel and arms released, and sent him copies of the contracts, from whom I received them. It is certain that Gov. Chittenden advised Allen to procure the Arms, professedly for the Militia of Vermont, and announced the same to the Legislature, last fall; but no act of the Legislature ever authorized the measure; and it rests only on a *speculation*. . . .<sup>4</sup>

<sup>1</sup> Italics are the editor's.

<sup>2</sup> *Allen Papers*, University of Vermont; *Rutland (Vermont) Herald*, October 2, 1797.

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 501, Library of Congress and University of Vermont.

<sup>4</sup> *Pickering Papers*, Massachusetts Historical Society, vol. 37, folios 222-23.

Rufus King on August 5 wrote Pickering:

I am in receipt of yours of the 16th of June. I communicated to Lord Grenville the Presidents opinion and wishes respecting the military stores claimed by Genl. Allen; and in consequence thereof, notwithstanding this government had received information which was confidentially shown to me, that the arms were French property and that Genl. Allen would lose nothing by their condemnation. I have been assured and am satisfied that the Government are disposed to restore them without further enquiry or delay; but the captors, who have an interest in the question, refuse to consent to the restoration, and persist in holding the property for trial. [This was a foolish excuse for Grenville to give King as the arms were rusting and the captors would comply with any Government order.] The process is at a stage when according to the usual custom of the court the claimant has a title to receive the property on bail. I have advised Genl. Allen to endeavor to obtain possession of the property in this way and in case he fails in the attempt, to leave the claim in the care of his council and to return home.<sup>1</sup>

Silas Hathaway, in Boston, in July told the Governor of Massachusetts that Adet was engineering an expedition against Canada,<sup>2</sup> and about this time the Boston *Columbian Centinel* published on August 9, 1797, the following:

In scanning the measures of a nation (France) so celebrated in diplomatic intrigue, we must not expect the precise documents, the secret instructions, which governed the conduct of their agents in a plot, against an innocent, and affectionate, and unoffending Ally. But to men versed in the human heart, and acquainted with the nature and force of human testimony, more weight will be given to separate independent facts, existing in different places, apparently proceeding from independent causes, but really tending to the same grand point, than to any positive testimony from characters the most respectable. Let us then recur to the plain and irresistible evidence of facts. Ira Allen, of Vermont, a jacobin (or which is synonymous) a friend to France, not being a commercial man, but a plain farmer of the Green Mountains in the neighbourhood of Canada, embarked last year for France. There the officers of the French Government procure for him 20,000 stand of small arms. They are invoiced, it is said, at one quarter of the value. Bound to New Orleans or some southern port, this enterprising *Farmer* is captured, and carried into England . . . from thence he writes to his friends in Vermont, to procure evidence that they were intended for and ordered to that State. The Vermontese Alas! good honest Federal-

<sup>1</sup> United States Department of State, Secretary's Office, Rufus King, vol. 1, p. 60. If King did not misunderstand, this explanation of Grenville's was rather remarkable, as the Government controlled the entire situation.

<sup>2</sup> *Stevens Papers* (unclassified), New York State Library.

ists, unconscious of the plot, let out the fact. They wanted no arms, they were well supplied, and they scorned to co-operate in a base evasion. The question naturally occurs, for whom were these arms really destined? Not for the Americans it is ascertained; for the British? No, Colonel Allen's prejudices are too deeply rooted and generally known to subject them to that imputation. Judge you, my fellow citizens, whether they were not intended for the reduction of Canada, and in favour of the nation who supplied them.

Allen, on August 5, made a proposal to the British authorities which should have convinced the most prejudiced. He offered to transfer the property to citizens of the United States then resident in London, who would go on his bail bond. The arms were then to be shipped to John Jay, Governor of New York. After the Legislature of Vermont had arranged to obtain the necessary number to arm the militia of that State, the balance were to be sold to the militia of New York. This was also rejected. Few persons then in London could appreciate the sacrifice a Green Mountain Boy of twenty years before was making in now offering his arms to New York and to John Jay.

On August 9, King wrote an insistent letter to Grenville stating, 'The rule for the delivery of property in the possession of the prize court, upon bail, seems to be peremptory. . . . I take the liberty to request your lordship's interference.'

The next day Allen's counsel prayed the court to deliver the cargo on bail, but the prayer was rejected. Grenville replied to King's letter on the 18th stating:

The Captors . . . having refused to consent to their being delivered to General Allen on bail, and the Judge of the Court of Admiralty having made a decree against such a delivery, it is impossible for His Majesty's Government to interfere in this case, which must be left to the decision of the tribunal before whom it is pending.

This seemed to be the final word as to obtaining the arms or a decision. It evidently discouraged King, for he again advised Allen to go home. Allen evidently decided this time to act on the advice and must have so informed his friends, for Dr. Peters, on August 24, wrote him a farewell letter:

The embarrassments you have met with in England have originated from your traveling companion [John A. Graham]. He speaks evil of every man and hates human nature. . . . The College, canal, episcopacy and policy will make Vermont rich in all you want and



with Burlington will rise and Washington will feel like Stiffknees [Graham] below remembrance.

Great changes were taking place in France. The Reign of Terror was to be succeeded by one of graft. Barras, Reubell, and Larévellière, three members of the Directory ruling France, were at war with the other two members, Carnot and Barthélemy. It was an open war, assuming the form of violent altercations. Fouché, at the head of the secret police in the service of Barras, spied on the other members and when necessary took from their bureaus documents that might compromise them. Carnot's term as president had expired on August 24, and on September 4, occurred the *Coup d'état* of the 18th Fructidor, year V. At midnight troops took possession of Paris and surrounded the Luxembourg where Carnot resided, but a few minutes before they arrived, Carnot, who was then in consultation with Barthélemy, was warned and he at once arose, stepped out through a French window opening on the grounds, and disappeared in the shrubbery. That night's work caused the expulsion from France of not only Carnot, but one hundred and nineteen deputies. Barras states in his memoirs that Talleyrand was in favor of putting them all to death. Talleyrand, who was Minister of Foreign Affairs, according to Barras begged him to make him a member of the Directory, where his opportunities for gaining wealth were far greater than his present position afforded, but Barras would not trust him. In the proclamation issued by the Directory at this time, it 'takes an oath to bury itself in the ruins of the Republic, rather than suffer liberty in the slightest degree to be infringed upon.'<sup>1</sup> How well this oath was kept the next two chapters will disclose. Barras now became the most powerful man in France.

John Adams, who became President on March 4, at once moved to restore friendly relations with France. He appointed John Marshall, Charles C. Pinckney, and Elbridge Gerry agents, with instructions to proceed to Paris, where they arrived in October. The Directory declined to give them an audience, but they were unofficially informed that, if they would pay two hundred and forty thousand dollars, 'as a guarantee of friendship,' it might be arranged. It was at this time that Pinckney was supposed to have replied that the

<sup>1</sup> Ernest Hamel, *Histoire de la République sous le Directoire*, p. 287.

United States would give 'Millions for defence, but not one cent for tribute.' This was lost on the French, for Barras cared nothing for the friendship of the United States.

Fulwar Skipwith, who had remained through all these changes and, as Consul-General, was the only representative of the United States in Paris; but so many complaints were filed in the State Department by Americans regarding their inability to obtain money they had entrusted to him during the Revolution in France that Pickering determined to remove him, but postponed action when he was advised that Skipwith had resigned.

Allen, learning that former Governor Simcoe, of Upper Canada, was in London and remembering his friendship for Levi Allen, decided to write to him before quitting England. On August 29, he addressed the following letter to him:

Although I have not the Pleasure of a Personal acquaintance with you, yet in Consequence of the Public Offices you have been honored with I am acquainted with your Character & Presume that you are acquainted with the Character of Governor Chittenden and the Principal Officers in the State of Vermont, which induces me to address you on the Subject of the Detention of the Cargo of the Olive Branch; A Copy of my letter of the 13<sup>th</sup> Ultimo to Doct<sup>r</sup> Nichols and others is inclosed, which contains a summary of the evidence Exhibited in the Course of the cause, since which the Interference of the Government of Vermont with that of the United States, has been made by their Minister, His Excellency Rufus King Esquire, in my favour without success as the Property is not Restored or Permitted to be delivered on bail, which would have been consistent to the Laws of the Land, the Laws of Nations and Customs of Courts of Admiralty in this stage of a Cause & could not have been injurious to the captors for the Bail would be Equivalent to the Property in case of Condemnation on the other hand the Property being deliver'd on Bail the claimant would have the use thereof, & the Privilege of Justifying his conduct & character by carrying the Property to the Port of its original Destination and Distributing the Arms to the Militia of the State of Vermont after which no Question could arise respecting the ownership or Destination of s'd Cargo Restoration & ample Damage would undoubtedly have been the Result, this Delay is extremely injurious to me, & the People of Vermont in whose Behalf by the express Request of their Governor I made my Contracts & see no Reason why the State of Vermont have not as good a Right to purchase Arms from one of Belligerent Powers as the State of New York have from the other.

I have been Taught from my Infancy, that Law & Evidence govern Courts of Justice, I am conscious to myself to come within those

Principles, But I have reason to suppose, that some Person or Persons, with whom I have had some Difference & who knew of my Intentions to Purchase arms & other Implements of War — for the use of the Militia of Vermont in Europe before I left America in 1795, have been giving government misrepresentations either to Injure me; or for their own Emolument, it is hard to contend against that we cannot see or know; Every cause ought to be Decided by Evidence Exhibited in open court; I have endeavoured to make every fair and liberal proposal the nature of the cause and my circumstances would admit of, making great Allowance for Prejudices that may arise from the Nature of the Cargo in time of War, & Influence of Designing Men, with full confidence that when Government have more carefully Inspected these matters, that my Property will be Restored with ample Damage for Detention &c, I have the more confidence in this when I consider the People of Vermont Interested in this Question and that it is both their Interest & Inclination to be on friendly terms with Lower Canada through which most of their Produce will naturally go to a Market Provided a canal could be permitted to be cut from Lake Champlain to the River St. Lawrence, which would contribute much to the mutual Interest of Great Britain & that part of the United States contiguous to said Lake.

From your Excellency's knowledge of the character of the People of Vermont their Interest in having a canal and commerce with Great Britain, their willingness to Pay Tonnage on their ships Passing Quebec, & Perusing the Evidence Exhibited in my cause, you may have it in your power to make such Statements to Government as to do away with Ill founded Jealousies, Preserve friendship so Happily subsisting Between the Canadas & the United States.<sup>1</sup>

To this Simcoe replied:

WOLFORD LODGE Oct<sup>r</sup> 9<sup>th</sup> 1797

My absence from home has prevented me till of late receiving the Honor of your Letter of the 29<sup>th</sup> of Aug<sup>t</sup>.

I can venture to affirm, It is with great regret that His Majesty's Ministers Authorise any Proceeding that has the remotest tendency to harrass or aggrieve any of the Subjects of the United States; & from the tenor of your letter, I am happy to find that you are perfectly aware from the nature of your Cargo, & the situation of this Country at the moment of its detention, that it was the indispensable duty of his Majesty's servants to Prevent such a formidable military apparatus from passing thro' the narrow seas without the strictest scrutiny to What Port it was bound.

As the consequence of this necessary Precaution, for such you must admit it to be, has led to a Judicial Proceeding in regard to the above ship & cargo, you cannot but be sensible, that sincerely as the King's Ministers wish, and endeavour to preserve & improve the friendship & harmony which at present subsists between his Majesty's subjects in the Canadas & their more immediate neighbours

<sup>1</sup> *Canadian Archives*, Q-79-2, p. 485.



within the limits of the United States, it is not in their power to interfere in the legal adjudication of a matter which is before the only competent Tribunal where it can be decided.

Having said this much Sir, though, I am most fully of opinion that Governor Chittenden & the Council of Vermont will act with fairness & Probity, that they are really desirous to cultivate the best understanding with his Majesty's Government in Canada, & that the bulk of the People of Property in Vermont, see most evidently that it is the True Interest of Vermont, that no alteration whatsoever should take Place in the sovereignty of Canada, yet at this moment when the whole European World, & not remotely America, is threatened with the Chaos of Anarchy without doubt, there are many Subjects of the United States who are agitated by the Agents of France to disturb the repose of the Peaceful Colonies of his Majesty, and It is with regret that by the newspapers I see, and I have *no other Information*, that your Brother Levi Allen appears to be implicated in that number, tho' I should hope that it will turn out that his offence has only been some rash & outrageous Expressions of which he is abundantly capable, & which as the times will not admit of without injury to the common weal, so no Government for its own security ought to Permit with Impunity.

I state this case, sir, to assure you, that for my own Part, I have so full reliance on your foresight and Probity, that I do not in any Degree suppose that the cargo of the Olive Branch was Destined to assist the [efforts] of the Agents of France against his Majesty's Dominions in the Canadas, or to disturb the Tranquility of that part of the World. In respect to the canal, which you propose, it must have been frequently in the contemplation of His Majesty's ministers from the time that the late Lord Amherst immediately, after the conquest of Montreal, had a survey made of the Lands to the present & no doubt at a seasonable opportunity, & when no danger shall arise from the prevalence of those opinions which setting the Subjects of one State free from the controul of their own Government, destroys all reasonable security that can be placed in it by another, an object of such considerable importance to the commerce of His Majesty's subjects will meet with the fairest discourtesy & obtain that furtherance & protection to which in my opinion it is certainly entitled, Especially as it seems well calculated to Promote that Intercourse with the citizens of the United States & to cement that family compact which whatever difference there may be in the modes of Government has always appeared to me to be the True interest of both nations.

I shall certainly take an opportunity of stating those opinions to His Grace the Duke of Portland; the secretary of State, & shall feel myself particularly happy in any manner to shew my Regard & attachment to the citizens of Vermont.

I am with great Respect, Sir,  
Your most obed<sup>t</sup> Hum<sup>ble</sup> serv<sup>t</sup>

GEN<sup>l</sup> IRA ALLEN

J. G. SIMCOE \*

\* *Canadian Archives*, Q-79-2, pp. 489 ff.

Allen's answer, dated October 16, follows:

I have the Honour of Your Excellency's Polite & friendly letter of the 9<sup>th</sup> Inst., and take leave to observe, that by the Treaty of 1794, between Great Britain and the United States, His Majesty's Servants might stop & Examine the Olive Branch respecting her Cargo & Destination, as the Times were Perilous; This was the result of an Investigation of the Treaty by M<sup>r</sup>. Monroe, minister of the United States, & others at Paris in June 1796, when I was in Treaty with the French Directory for the Purchase of Arms to supply the Militia of Vermont; But no one then thought of a lengthy decision in the Court of Admiralty where the Whole Transactions were Public, fair & consistent with the Treaty. After a scrupulous investigation, of every circumstance that respected the Olive Branch, & cargo the ship's Papers & Letters on Board and taking the Depositions of Capt. Bryant, & the Ships Crew which clearly Proved the ship & cargo were neutral Property, Bound to New York: It was the opinion of many respectable persons both English & Americans Present at the trial; that the Proofs were sufficient for His Majesty's Ministers to have discharged the ship & cargo or the Court of Admiralty at an early day with costs & Dammages.

The citizens of Vermont are chiefly Natives, or Emigrants from the four New England States, & are considered as the fifth State in New England, from circumstances which took place near the close of the American War, The natural connections of Vermont with Canada by the waters of Champlain & the River St. Lawrence, her commerce with Great Britain may be served as Principles of a Reciprocal Interest, & therefore will in due time be the cause of a canal & durable Friendship. Notwithstanding this Prospect there may be some Persons in Vermont inclined to disturb the Repose of His Majesty's subjects in Canada, as different opinions pervade all countries. But I see not how this circumstance can with Propriety be used against the legal Rights & opinions of the great Body of the People; & large landed Proprietors.

I was truly surprised at the paragraph in your favour relative to my Brother Levi Allen, whom I have not seen but once in the five last years; what he has said or Done is totally unknown to me (your Excellency knew his Objects & subsequent Disappointment in 1791) that he has made use of some Pointed Expressions after hearing of the Treatment I have Experienced is very Probable, and I do not think he is the only one discontented with it, being very apprehensive that the Militia of Vermont, and many others in the United States are also Dissatisfied as they will be apt to say, if the Existing Treaty can be construed into such litigious Trials of *Plea & Proof* in the face of Unequivocal Proofs such as the King's Advocate & Council for the Captors first required the Treaty can be only a snare to those who cautiously consult the Minister of their country, to know what they may legally do before they close their contracts.\*

\* N.B. In the course of the Advocate's Plea he observed that it was well known there were such Places as Upper & Lower Canada, & that, had it not been for

that, the contracts and Proceedings of Mr Allen, would have been legal & consistent with the Laws of Nations.<sup>1</sup>

Most sincerely Sir I thank you, for your kind and generous offer and benevolent Intentions of stating your opinions to his Grace the Duke of Portland, which I make no Doubt will Prove Efficacious & secure the Regard and Attachment of the citizens of Vermont to their *Natural Ally*.

I am with great consideration

May it please your Excellency

Your Excellency's

most obedient and most Hum<sup>ble</sup> servt.

IRA ALLEN

HIS EXCELLENCY

GOVERNOR SIMCOE

This was the kind of evidence pouring into the Duke of Portland's office. In a letter, dated September 6, from Prescott, he enclosed several copies of letters recently received by him, which follow. He informed the Duke that the General Clark mentioned in one of the enclosures was a son-in-law of Governor Chittenden who

died a few days ago. It is thought he will be succeeded in Government by a Mr. Tichenor who is said to be of a different party and a Friend to the Federal Government.<sup>2</sup> . . . To give your Grace a just idea of Mr. Chittenden, and of the weight due to any certificate from him respecting the arms taken in the Olive Branch, I also enclose an extract of a letter . . . from a person lately in Vermont.

Extract of a Letter from Mr Pennoyer one of His Majesty's Justices of the Peace at Missiskoui Bay, to Mr Gale, dated September 1<sup>st</sup> 1797:<sup>3</sup>

I am truly sorry to find that a much greater number than was supposed were concerned with McLane, and amongst the Number many who are called Great Men. We have every Reason to suppose that the late Governor Chittenden was one of the Number deeply concerned; however he is now as dead as McLane: A few Days before he died, he was fined One Hundred and Eighty Dollars for selling Liquors by small measure without Licence. This is no more laughable than true, whether the Fine killed him or not, I cant say. —

Since I came to this Place [Missiskoui Bay] I have, together with Mr Coffin, made a small Excursion into the Northern Part of Vermont in order to discover who were concerned in that ridiculous Business of McLane; — We have made some Discoveries, and I think we are in a way to find out much more; which, if we do, I will communicate it to You immediately. —

<sup>1</sup> *Canadian Archives*, Q-79-2, p. 493.

<sup>2</sup> *Ibid.*, p. 206.

<sup>3</sup> *Ibid.*, p. 215.



There is now not the smallest doubt but that Ira Allen did agree & engage with the Directory of France to deliver within the Province of Lower Canada the 20,000 Stand of Arms &c which were taken with him; a sufficient Proof of which we hope shortly to be in possession of; if so, we will communicate it to Government immediately. The late Governor Chittenden, with one or more of his General Officers of Militia, did last May send Allen their Certificates, setting forth that they had requested Allen to purchase those Arms &c for the Militia of Vermont; which is so notorious a Lie, as everlastingly to leave a Stain on their Characters, still I hope that low artful Subterfuge will not save either Allen or his Arms from Condemnation.

This letter from Pennoyer to Thomas Dunn, dated August 25, was one of the enclosures:

The bearer of this Letter is Major De La Van of whom I have often spoken to you; he was the Gentleman who first informed against M<sup>c</sup>-Lane; — He is going to Quebec where he is a stranger, and I have taken the Liberty to advise him to wait on You for the Purpose of communicating what he knew respecting the Confederates of M<sup>c</sup>-Lane — He says that a Man called General Clarke who lives in the State of Vermont is as deeply concerned as M<sup>c</sup>-Lane was; — he was provided a General's commission by Adet, and I am sorry to say that upon enquiry we find many more concerned in that horrid Business than we could have possibly supposed would have had anything to do in it. It is strongly suspected that Gov<sup>r</sup> Chittenden and some of his Connections about him are deeply concerned in that detestable scheme. — I have been informed by undoubted Authority, that the Arms taken with Allen were intended for M<sup>c</sup>-Lane's Expedition. This is not barely conjecture alone, for among the Papers which M<sup>c</sup>-Lane left near this Place, there is a Letter from Adet to M<sup>c</sup>-Lane, which contains an Extract of a Letter from France,<sup>1</sup> informing Adet that the Directory had shipped those Arms for the Purpose of sending them into the Province of Lower Canada to arm the Canadians who were disaffected towards the British Government. — Notwithstanding it is so well known for what purposes those Arms were intended, Yet Governor Chittenden has sent a Certificate to Allen setting forth that he had requested said Allen to purchase that Number of Arms for the Use of the Militia of Vermont. It is to be hoped that this Stratagem will not succeed. We are in hopes of obtaining the Papers left by M<sup>c</sup>-Lane, which if we do we shall forward them to Quebec immediately: — I am told that they contain some extraordinary Matter. Should I make any further Discoveries of that villainous Business I will give you immediate Information.

Then follows a Copy of the Minutes of the Executive Council on Matters of State from the 30th of June, 1797, to the 2d of September following inclusive:

<sup>1</sup> A careful search of the French Archives does not reveal any letter from the Directory to Adet on the subject of arms in 1796 or 1797.

QUEBEC, 29<sup>th</sup> June, 1797

The Honorable William Osgoode, Chief Justice

Hugh Finlay	} Esquires
François Baby	
Thomas Dunn &	
John Young	

M<sup>r</sup> Secretary Ryland informed the Board that he had it in command from the Governor to state to them. That His Excellency had lately received a Dispatch from the Secretary of State by which he was apprized that an American Ship, named the Olive Branch, had been taken by one of His Majesty's Ships of War and carried into Portsmouth. That the said Vessel was laden with twenty thousand Stand of Arms besides Artillery & Military Stores: That M<sup>r</sup> Ira Allen of Vermont was on Board this Vessel and pretended he had purchased the Arms &c in France for the use of the Vermont Militia, but that the Secretary of State had received information which afforded great reason to believe that Ira Allen was engaged in a scheme with the Directory of France for the purpose of overthrowing His Majesty's Government in these Provinces: and that the Arms in question were intended to be put into the hands of such persons as could be brought to join in an attempt of this nature. —

M<sup>r</sup> Ryland further mentioned that in consequence of Directions from His Excellency he had on Thursday, the 22<sup>nd</sup> Instant sent for Levi Allen the brother of Ira Allen aforesaid, who has for several weeks past been in Quebec and questioned him as to the object of his coming here; That, finding he could give no satisfactory Account of himself, he had advised him immediately to quit Quebec and the Province as soon as possible; which Allen promised to do, saying that his business here was not of sufficient importance to detain him if his presence gave the least uneasiness to the Government, and that he would not fail to leave Quebec on or before the Saturday following: That, on M<sup>r</sup> Ryland's observing to him that he could hardly fail of being acquainted with his Brother's views, and consequently of the Purpose for which the Arms taken in the Olive Branch were intended, Allen declared that he knew nothing of the matter except from what he had read in the public papers; but that he understood Governor Chittenden had sent a Certificate that the Arms &c were intended for the use of the Vermont Militia. —

Nathaniel Taylor Esq<sup>r</sup> one of His Majesty's Justices of the Peace, being called in, informed the Board, that in consequence of the general suspicion entertained of the character and conduct of Levi Allen he had caused Enquiries to be made respecting him from which it appeared that his pretended Business in this Province was to obtain Lands. That his chief Associates were certain unknown Persons lately come in from the States: That he changed his place of residence so frequently that he seldom slept twice in the same house; That he

had of late been frequently seen at the House of one Hugh Hogan, a suspected Character, who for some Months past has rented the farm belonging to Major Holland, at a small distance from Quebec, but does not appear to cultivate it, and whose House is become a place of Rendezvous for Strangers coming in from the States. —

M<sup>r</sup> Charles Stewart, Notary Public, being examined said That he was employed by Major Holland to procure a Tenant for his House and Farm, and that Hugh Hogan at present occupies the same but appears to have taken no steps to put the Farm in a state of Cultivation. That on the day that David M<sup>c</sup>Lane was apprehended Hogan went off suddenly, under pretence of going to buy grain. That the said Hogan is of bad character and that the House he occupies is now become a House of call for Strangers and suspected characters; That Levi Allen has lately been there and also Several Strangers unknown to this Examinant. —

A Letter was produced to the Board by the President, which the Attorney General had recently received from M<sup>r</sup> Richardson (an active Magistrate at Montreal) acquainting him that a number of Persons had lately come in from the States, and that it was reported that a Rescue of M<sup>c</sup>Lane was to be attempted. That M<sup>c</sup>Lane's brother and one Butterfield (both since apprehended) came into this Province for the purpose, and that the Project was to be conducted by a Major Guttridge who is supposed to be lurking in the neighbourhood of Quebec. —

The Board having taken these circumstances into consideration resolved that a Warrant should be issued for apprehending Levi Allen & Hugh Hogan on suspicion of High Treason, which was issued accordingly —

The hanging of MacLean in Canada, July 21, was a discreditable act, as little was proved against him. He went to Canada alone with no means or influence to rouse the people to bring on a revolution. His hanging frightened Silas Hatha-way in Vermont. He wrote the Canadian officials <sup>1</sup> that he had allowed MacLean to disclose his plans, after which he had informed Secretary Pickering, and that he was on his way to Quebec to give them information when MacLean was arrested in Canada on May 10. The entire supposed effort to capture Canada was largely if not quite a myth; the French agent in the United States using it to obtain money from France, while MacLean was sacrificed to demonstrate activity. Prescott and those under him were glad of the opportunity of hanging some one to prove their alertness.

It was understood by Allen's counsel that the captors,

<sup>1</sup> *Stevens Papers*, New York State Library; also Wilbur Photostats, No. 3031, Library of Congress and University of Vermont.



realizing the arms were rusting in storage, would not oppose their release on bail, so, on September 20, they renewed their petition, but again the court refused to deliver the arms. This demonstrated that the Ministry were giving orders to the court. Notwithstanding all the proofs submitted, and the fact that Allen had able counsel and one of the ablest proctors (Robert Slade), as well as the supposedly great influence of the American Minister, who rendered every assistance in his power, it was not possible to have his property restored.

Allen learned that the captors intended publishing articles in the newspapers to prejudice the public, so that when the court did condemn the cargo it would be received with approval by the people. Evidently, as was common practice, the officers and crew of the *Audacious* who captured the *Olive Branch* had sold their interest to a number of merchants in London. Allen, by his arguments and the regularity of his papers, had convinced Captain Gould and his officers that the arms could not be held as a prize; and thus those who bought the claim were able to buy it very cheap. As it was a valuable cargo, worth in England at that time, more than twenty thousand pounds, they could afford to use money freely both to influence the court and officials of the Government.

Rufus King, on August 21, purchased five thousand muskets with bayonets of the British Government, and paid £8,354-15-6 for them in England, about thirty-two shillings each, or eight dollars. They were for the State of New York. If Allen could have sold his to King, they would have brought him about one hundred and twenty thousand dollars in London and the cannon would have brought a good price. The following year, the United States was so short of cannon that King wrote Baring & Co., bankers, to buy two hundred and forty for the Government and ship them at once, no price being mentioned.<sup>1</sup>

New York, to pay for her muskets, sent drafts to King drawn by New York merchants on London merchants; among them were two drawn by Robert Bowne, who appears later in connection with Allen.

In September two London papers published the following article:

<sup>1</sup> *King Papers*, New York Historical Society, vol. 52, p. 485.

Our readers will remember the capture of the ship *Olive Branch* last winter laden with 20,000 stand of arms, . . . she was from France, but her destination unknown, and her designs mysterious. . . . By advices from America, where the original contracts for her lading have recently appeared,<sup>1</sup> the mystery is thought to be unravelled. . . . The following are the facts; . . . on enquiry, it appears the Governor of Vermont has never authorized any purchase of arms, . . . it appears that the price stipulated [in the contracts] is scarcely one-fourth of the value of the articles . . . to be paid for many years hence. . . . Let us compare these facts with the attempt of Adet, by Major McLean . . . to excite the Canadians to revolt, and we shall not hesitate a moment to believe the arms and artillery were destined for Canada — and it is a fact that Colonel Lyon has made and sent to Canada large quantities of cannon balls &c. and this by the bye, will unfold his motives in opposing that part of the bill for prohibiting the exportation of powder, arms and ammunition at the late session of Congress. . . . But this is not all. . . . The design was to extend the French conquests to the Mississippi, and down the gulf of Mexico. . . . It is further thought that Allen's plot was connected with that of Blount's, a member of Congress, whose impeachment has been determined on by the American legislature, but who has disappeared.<sup>2</sup>

This article called forth an answer which was refused publication by the paper from which the *Morning Post* had copied its account. It is dated Doctor's Commons, September 29, 1797.

*To the Editor of the Morning Post:*

Having read in your paper . . . an article replete with errors, and malignant falsehoods, maliciously calculated to injure the reputation and interest of General Allen, . . . and in its consequence to interrupt the harmony which subsists betwixt Great Britain and that country [United States] should have passed over that paltry fabrication with contempt and silence, as the character of General Allen is placed on an eminence far beyond the shafts of malevolence. I say, I should have passed it over in silence, if I had not heard some gentlemen speak of that affected mysterious statement, in such a manner, as to evince that they were not acquainted with the insidious motives of the impotent scribbler, who might well be represented in a print shop with a dagger in one hand, and a fire-brand in the other, in the dead of night. Out of respect, however, to such gentlemen, and in justice to the character of an insulted stranger, I request your insertion of the following plain statement of facts in your impartial paper, which, I trust, will have their due weight with a candid and discerning Public, and place the conduct of General Allen in a clear point of view with respect to the arms purchased of the French Directory, for the sole use of the militia of Vermont, and the alledged plots against the repose of this country.

<sup>1</sup> This, of course, could not be true.

<sup>2</sup> *London Post*, September 19, 1797.

The facts regarding Allen's purchase were then recited in detail up to the time of his capture and trial in the Court of Admiralty;

but the suggestion of a plot and mystery was industriously propagated by a certain American Colonel (now married and settled in this country) whose name would only sully your paper. I shall only observe *en passant*, that he who wishes to weaken the ties of amity betwixt this country and America, cannot be a friend to either; and let me add, that no such plot has been proved by the captors. . . . Mr. King, the American Ambassador at the British Court, lately purchased 6000 muskets with bayonets in this Kingdom, by order of the Governor of New York, for the use of the Government of that State. These two contracts are equally legal under the letter of an existing Treaty.

The article then recites the efforts made by Mr. King on the request of the United States Government, seconded by Mr. Liston, the British Minister at Philadelphia, for the release of the cargo.

Independent of all these facts, can it be supposed for a moment, that General Allen could be prevailed on by Carnot, Clarke, and Petit, to carry arms to Ireland. General Allen, a man of the first landed property in the United States of America, a man whose life has been devoted to the cultivation of the arts of peace. No, no, the recreant Colonel should have looked out for some desperate adventurer, who had neither character nor property at stake, as the hero of his plots and mysteries; besides, one hundred leagues to the West of Scilly was not the direct course to Ireland; but the pitiful scribbler does not confine himself to Ireland; he shifts the scene to America, for he says 'The Allen's plot is thought to be connected with Captain McLean, a French spy in Canada, and that of Senator Blount. . . .' If suggestions of such a random nature, as weak as they are wicked, can link General Allen with two men, upwards of a thousand miles distant from each other in America, and diametrically opposite in their politics, views, and plots, as well may it be supposed that General Allen and Mr. King joined with the French and English Ministry in a plot to divide the States of America betwixt the Monarchy of Great Britain and the Republic of France, in consequence of their respective purchases of arms in France and England, for the use of the militia of Vermont and New York.

It is also known that our American Colonel was not content with attempting to defame the character of General Allen, but he also attacked Colonel Lyon, a member of Congress, for supporting the exportation of cannon-ball, iron, cannon &c. because foundries in the States were able to supply the country and Europe; 'and this, by the bye,' involves Colonel Lyon in the conspiracy with Adet, McLean, Blount, and why not with Mr. King, Mr. Pitt, Carnot, &c.



To conclude in the Colonel's favorite phrase 'It is further thought' that the Colonel's plot was connected with ten per cent profit, and it is thought, and generally known, that General Allen never heard of Captain McLean till he was hanged, and very little of Blount, till he was impeached, A Friend to Truth.

This article was so libelous it could not have been written by Allen's lawyers. The manuscript <sup>1</sup> is in the handwriting of Dr. Peters who knew all the facts. It gave ample opportunity to repay Graham for his imposition on the Doctor. There were no more articles published concerning Allen in the newspapers of London.

On September 26, four days before the answer was published, Allen was arrested on complaint of James Lorimer on <sup>2</sup> a debt which it had been understood and agreed that Graham was to pay. He and Allen had boarded at Lorimer's house when they first went to London. Allen was soon released on bail.

On September 30, Allen had addressed a letter to Elijah Paine, Isaac Tichenor (Senators), Matthew Lyon and Lewis R. Morris (Representatives from Vermont), stating that Vermont and the flag of the United States had been insulted and the British treaty broken. That the united efforts of Rufus King and himself had not been sufficient to liberate his property on bail. 'It requires the interference of the United States in the most pointed manner.' If this letter was received before the adjournment of the Vermont Legislature, no mention of it was made.

In Vermont, when the Legislature met at Windsor on October 12, and the votes were counted, it was found there was no choice for Governor. Tichenor, who was then a Senator from Vermont, was elected by the Legislature and Council; his presence would suggest he had anticipated this result. Scant sentiment and slight respect were shown to the memory of Thomas Chittenden, who died in August, and who had been Governor of Vermont for nineteen years. No separate resolution was passed; Tichenor in his speech of acceptance said, 'It must be a pleasing reflection, not only to his particular friends, but to our fellow citizens at large, that under his administration, this government has flourished and obtained

<sup>1</sup> Wilbur Photostats, No. 512, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 513.

a respectable character among her sister states. The public good unquestionably was the chief object to which his political conduct was directed.' The Legislature's reply to his speech contains this reference: 'In the tribute you have rendered to the memory of our deceased Governor, we most cordially unite; and cheerfully subscribe to the wisdom and propriety of his administration.' The population had so changed that many of the members knew nothing of the early struggles of Vermont and Chittenden's part in them. Nathaniel Chipman, another Federalist, was elected a United States Senator in Tichenor's place. The Council and Assembly elected David Whitney, Major-General, Third Division of Militia; 'which office is by law rendered vacant, by the absence of the Honorable Major-General Ira Allen.' Not a word of sympathy or the expression of a desire to help him. With Chittenden dead and Ira Allen in Europe, Tichenor after ten years' effort was now in control of the State.

As all the usual methods had failed in restoring Allen's cargo, he began a careful investigation on his own account and learned that there was one measure he could attempt, although it had never previously been resorted to by any claimant in the Court of Admiralty, and, if taken, would not likely succeed, as it would be contending with a great power. This was to go before England's Court of King's Bench and arraign the judge of the High Court of Admiralty of Great Britain to compel him to show cause, if any he had, why a mandamus should not be issued, commanding him to deliver the cargo to the claimant on bail. This would place the judge in a situation where he would have to do one of three things, (a) restore the property, (b) restore it on bail, (c) or condemn it. Any one of these would be better than delay. Before taking such a radical step he wrote to his counsel, Dr. J. Nicholl, and Dr. J. H. Arnold, setting forth concisely the proceedings of the court from June 13 to September 20, and calling their attention to certain acts which provided for the delivery of prizes on bail and concluded:

You are desired to consider the circumstances of this case with relation to the act of Parliament above alluded to, and the right of the party to the benefit thereby intended him, and to advise whether any, and if any, what other steps can be taken on his behalf, either in the Admiralty or Appeal Court, or in the Courts of common law, to ob-

tain the delivery of the cargo in question to him on bail being given to answer the adjudication thereof.<sup>1</sup>

Their opinion, dated November 14, was as follows:

We know of no further step that can be taken on behalf of the Claimant for this purpose in the Court of Admiralty. We think this is not to be matter of appeal, and as the case is not before the Court of Appeal, we do not see how any application can be made to that Court in this business. Whether any remedy can be given to the Claimant in the Court of common law, he must be informed by gentlemen practising in those Courts.<sup>2</sup>

Allen at once decided to take it to the Court of King's Bench, a court of common law. He made out an affidavit setting forth all the facts and obtained one from Robert Slade, his proctor, setting forth all that had occurred in the Court of Admiralty. Allen again in a crisis revealed his character. He employed England's greatest advocate, Thomas Erskine, who at once applied for a mandamus. The court granted his motion and set the following Friday to hear arguments. The Admiralty judge did not attend, but sent a Mr. Percival to represent him, which was an acknowledgment of the court's jurisdiction. He requested a postponement until next term of court, as he was so constantly engaged, he said, in his court. This request the court granted. As soon as the term of the Court of King's Bench adjourned, the old judge, who evidently was under the control of the Duke of Portland, condemned the cargo, taxing Allen with enormous bills of cost and thereby defeating him of his legal right of having the property restored on bail.

On December 12, the cargo was condemned as a prize and thus given to the captors. Allen's lawyers made a stubborn fight, but the judge paid no attention to their argument and insulted them, saying to Dr. Nicholl, 'I have nothing further to say to you; you have led this gentleman round about; I think, if I had been his counsel, I would have managed his business better.'

The remarks made by the judge when he condemned the cargo were long, rambling, and irrelevant.<sup>3</sup> He said:

This, I know — I know a man that comes from America, and who describes himself with an estate, the map of which would cover this

<sup>1</sup> Allen's *Narrative of the Transactions, etc.* (1804), p. 111.

<sup>2</sup> *Ibid.* <sup>3</sup> *Ibid.*, p. 128.



table, and yet I do not believe that he has a single acre there; I do not believe that he has a shilling of property. I do not say that of Mr. Allen; I only say that it may be a strong circumstance, I do not know it is so. Now there is a singular circumstance as to the seal of Vermont; it strikes my idea, and shews the character of the people of Vermont; there is in that seal annexed to one of the affidavits, there are the other colonies represented by a number of small trees, and there is the colony of Vermont like a great tree in the middle, and Mr. Allen, I suppose, is to be the Cæsar, the Buonaparte of America, but that I do not know; and I will do nothing in this case but stick close to the point before me.

Just before he rendered the decision, Lord Duncan came into court to pay his respects, he said, to the judge, but Allen learned afterward that he handed him the letter Burgoyne wrote to Lord Germain in 1777:

The district of the New Hampshire grants, a wilderness little known in the last war, abounds with the most hardy, active, and rebellious race of men on the continent, who hang like a gathering storm, ready to burst on my left.

This letter, a great compliment to the so-called Green Mountain Boys when written, was used in court twenty years after against the one member of that famous band who made possible the battle of Bennington, which brought about the capture of Burgoyne's army.

Ira Allen was born a British subject and had been taught from infancy <sup>1</sup> that the British courts were governed by law and evidence. This judicial conduct was a great shock to him. Long afterward, he wrote:

In justice to the Government of Great Britain, and in apology for the aged judge Marriott, it is proper to observe, that several years before this [1797] Mr. Pitt tried to get the judge to retire and offered him an Irish peerage with a pension equal to his salary, the judge was then very aged and declined the offer.

The judge's decision in this case, which Ira Allen published in London in 1798 verbatim, caused his downfall and he was replaced by Sir William Scott, the then King's Advocate, and Dr. Nicholl, one of Allen's lawyers, was made King's Advocate.

By the laws of Great Britain, when a prize is condemned, the captors and claimant nominate three appraisers, who being approved of

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 139.

by the Judge, he issues the Commission of Appraisal. When the property is appraised, the captors procure bonds to answer the adjudication, and the commission of sales issues from the court.

His case seemed now to have reached its end, as far as Allen was concerned, for, as soon as the appraisers were appointed, there was nothing more that he could do.

Allen had one more chance of postponing defeat by delaying the appointment of the appraisers until the Lords Commissioners of Appeals in Prize Causes convened in the early days of December. As he or his lawyers had some voice in the appointment of appraisers, they managed to put it off from day to day. His lawyers notified him, when he requested them to take the case to the Court of Appeals, that the practice of the court would require their serving the notice of appeal on the King's proctor and that his access to the Lords before court opened would enable him to request that no action be taken for a few days and in the meantime force the appointment of appraisers; they naturally advised against making this extra expense. They did not know this Green Mountain Boy, who, in September, 1780, when Vermont's case seemed hopeless in Congress, managed to make the aggressors supplicants. He requested the lawyers to prepare the proper petition and give it to him, not informing them of his intentions for fear of compromising them with the court and possibly causing Mr. Erskine to withdraw from his case. The memorial was made in duplicate and Allen addressed one copy to the 'Most Noble Right Honorable the Lords Commissioners of Appeals in Prize Causes.'

Allen then dressed himself in his uniform of major-general and proceeded to the ante-chamber of the court. He made the acquaintance of the Secretary of the Lords and requested him to present the paper under cover to them before they admitted parties to come into court. He had been on too many diplomatic missions not to know the manner to proceed.

Soon after a young clerk came out and inquired for the claimant, and whether the captors or their proctor had been served with a copy of said memorial, when he was informed that they had not, for these reasons: if they had, they would have applied to the court to appoint appraisers [not having been able to agree on appraisers with Allen] for the claimant, and the Judge would have done it, and have issued the Commission of Appraisal, which would have defeated the object

of the memorial. Mr. Haseltine, proctor for the captors, being present, Allen handed him a copy of the memorial, observing that it had not been convenient to give it to him before. The young gentleman returned [to the court room] with a pleasant countenance, and in a few minutes came back and informed Allen that, if he wished to be heard by his proctor or counsel, their Lordships would attend to it at the opening of the doors.<sup>1</sup>

Allen rushed a messenger after Mr. Slade, who soon arrived, and when the doors were open he presented Allen's case and prayed the Lords to retain the cause and acquaint the Court of Admiralty, to the end that no commission of appraisement and sale should be issued. 'Their Lordships retained the cause, and an order was immediately sent for the information of Judge Marriott.' Allen had won; but, while he had succeeded, this success caused his ruin and almost endless suffering.

The captors decided their next move should be to discredit Allen by having him put in the debtors' prison and if possible to have him declared a bankrupt.

Allen had spent most of his money for goods before he started for home in November, 1796, and it was not long before he found himself destitute in the city of London. His only method of raising money was by selling some of his Vermont land. On September 16,<sup>2</sup> he entered into a contract with one William Tatham agreeing to pay him three per cent of the purchasing price of any land Tatham sold for him. Tatham was a secret agent of the British Foreign Office and took this method to become intimate with Allen and gain information.

The records show that Allen sold some two thousand acres to his lawyer, Robert Slade, and received one hundred pounds on the purchase on March 1, 1797. Allen's standing with Rufus King gave him a certain credit; but as his cash funds ran low, he was haunted by the dread of the possibility of imprisonment for some small debt.

He had purchased goods in the early spring to the amount of fifteen hundred pounds sterling from Bowerbank, paying him five hundred pounds in advance, with the verbal agreement that the balance of the account could be paid one year from date, and the goods had been shipped to America. On June 30, notwithstanding this agreement, Bowerbank brought

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 142.

<sup>2</sup> Wilbur Photostats, No. 511, Library of Congress and University of Vermont.



suit for the balance and attached Allen's body, confining him in a sponging-house near the jail until he could procure bail. The day after this occurred, Governor Chittenden's affidavit with that of others arrived, shedding a new light on Allen's situation, and the suit was withdrawn. Bowerbank and Graham, evidently interested in the captors, were doing everything they could to discredit him in the hope that he could be induced to give up the struggle for his cargo. His health began to fail from the close, heavy atmosphere of London, and he decided to go into the country, where he could write his history and his account of the capture of the Olive Branch without the many interruptions to which the city subjected him. He first tried Warwick, but, finding he must be nearer London to attend his case, he returned and took lodgings in the Jew's-Harp Coffee House in the suburbs. The air was good and so was the inn, and not much frequented in winter.

Allen, while writing the 'History of Vermont' during these troublous times, published also a book of one hundred and six pages entitled 'Twenty Thousand Muskets.' The introduction is dated October 24, 'To the Merchants and Manufacturers of Great Britain and those with whom I have Business in the United States of America.' He gave them a statement of his treatment in the courts and of the articles reflecting on his character which appeared in the London newspapers, and noted that several of the papers declined to publish an answer by 'A Friend to Truth.' He assured them 'as soon as I can obtain a final determination of my cause, I shall punctually attend to the several mercantile arrangements.' The book contains the principal affidavits heretofore mentioned. It is one of his rarest publications; only two copies have been located:

No time was lost in writing and printing said books, which excited considerable inquiry to learn where the author resided, who daily corrected the proof sheets, without the mode of conveyance being known; much pains were taken to see where every person went to that visited the printing-office; [J. W. Myers, 2 Paternoster Row], from these circumstances, it was supposed that the claimant was destitute of money<sup>1</sup> and had secreted himself. Mr. Bowerbank took measures to obtain a commission in bankruptcy, information thereof was given, and counsel consulted to learn if a statute of

<sup>1</sup> 'The claimant had found means to obtain a new supply of money for the support of his cause and for his expenses.'

bankruptcy could be legally obtained, and what the effects thereof would be; it was found that no act of the claimant authorized Mr. Bowerbank to have a statute against him, yet by false information it might be done. The movements of Mr. Bowerbank were inspected until the claimant was assured he had advanced the fee, to obtain the statute — he then took a coach, and rode to and engaged an attorney, to take up against Mr. Bowerbank, to prevent said statute, at the same time declared in the strongest terms, that he would prosecute Bowerbank for perjury, for he had no doubt sworn that the claimant had absconded, secreted himself, or changed his name. Neither of which was true; but for his health and convenience, he had changed his lodgings. This was said to a person that would inform Mr. Bowerbank. The claimant then rode to a coffee house, near the Doctor's Commons, and several other places and returned to his business. Some time after, Mr. Bowerbank being about to revive his statute, the claimant went to see his counsel and proctor in open court, before the lords of appeal. That put an end to Mr. Bowerbank's statute, which, if carried into effect, would have authorized him to have sold at vendue, the cargo and property of the claimant in London and said act would have operated otherwise, very injurious to him.<sup>1</sup>

The captors found that they could not frighten Allen into relinquishing the fight. They were becoming anxious concerning the arms and had three men report on their condition. They sent a memorial to the court with the report, which stated that, unless the arms were soon sold, they would be worthless, and asked for an order of immediate sale. Allen's counsel acknowledged the property was in a ruinous state, but stated there was no necessity for sale, as their client had authorized them to proceed to trial; the captors' lawyer declined to set a date for the trial to proceed, so the matter was adjourned a few days. Allen was informed that, if he attended court, he would be arrested by Bowerbank. He secured good bail, in case of arrest, and visited Myer's printing-office, where he was arrested and taken to a sponging-house. He offered three good, responsible men, one after the other, to the sheriff, who alone decided on the sufficiency of bail, but they were all rejected. He had to hire a room in the house, which was a sort of jail, for he was not allowed to go out, and here he busied himself in preparing his two books for publication. His history has been criticized because the dates were not always correct; but writing the history of a State while in prison, with no papers to refer to, was not conducive

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 155.

to accuracy. Through the efforts of Allen's proctor a day was set to hear the case. The men who caused his arrest had done so evidently to influence the court. The statement of Sir William Scott, their proctor, who later became judge of the Court of Admiralty, was:

My Lords, it is not in vain that I mention the present situation of this gentleman; but I think these considerations at least must follow, that there is not that abundance of personal assets, at least, which could stamp the gentleman with so much consequence, at least, or to have so much under his command and disposal.<sup>1</sup>

Allen believed that the unfair treatment accorded him was caused by prejudice for his part in the American Revolution, especially for his negotiations with Haldimand; also that several of the nobility and officers in the army, who had lost the lands in Vermont granted to them by New York (through Allen's achievement in making Vermont a separate State and through the settlement with New York which made their grants worthless), had combined with the merchants in London who purchased the claim on his arms. He could not know of the despicable part being played by John A. Graham and of the events happening in Canada to give color to the information supplied by Graham and his associates. It was a tremendous price for Allen to pay to posterity, but, had it not been for his capture and the unjust and unfair detention by the English courts, the early history of Vermont, much of which he wrote in prison as did Marco Polo of his travels while imprisoned, would never have been written. Only Allen could have written it, for it was a record of his acts and none could know the facts as he did. He wrote little of himself; and, without the surviving documentary evidence elsewhere, Ira Allen's services in saving Vermont in all her early crises would not have been known.

Before his cargo was condemned, he had written to Robert Slade, December 4, that he would accept the arms in their present condition, or accept their fair value in money. For all damages he will accept 'six townships [in Canada] in full and pay all fees; to put no settlers on them except such as are approved by the Government of Canada.' Three days later he wrote to the Duke of Portland for an interview, as he 'desires

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 156.



to give an explanation respecting a cargo of arms purchased for the militia of Vermont.' The interview was not granted.

He met at almost every turn those who had encountered him during the Revolution. Mr. Brooks Watson, whom he had conducted in a canoe to Canada during the early days, and, doubting his loyalty to the American cause, had landed him several miles from any house, was now Lord Mayor of London.

Allen had written to the Senators and Representatives from Vermont (Paine, Chipman, Lyon and Morris) at Philadelphia, on September 30, giving a full account of his trial and, on December 19, he addressed them again. He wrote that he expected an opinion soon after the holidays, about January 20, next. 'The cause is now before men of sense and candour, with Lord Chatham at their head; the lords of appeal are many, all of them members of the Privy Council, their decision will therefore be the sense of the nation.' Thus ended his struggles in England for 1797; but trouble was brewing for him in Vermont, and injustice and unfairness were again to take their toll of him.

Allen had deeded some of his valuable Vermont lands to Stephen Thorn to secure him as bondsman in a lawsuit in New York. Thorn and one Asa Holgate had, previous to 1794, been in the mercantile business, and, when Thorn went to Europe the latter part of that year, he owed Robert Bowne & Sons, Quaker merchants and money-lenders in New York, for a bill of goods shipped to Thorn & Holgate. Allen had paid the judgment for which Thorn had signed Allen's bond, some little time before he sailed for Europe in December, 1795, but as narrated then had not recorded the quitclaim or release deed that Thorn had given to him. Holgate, in consideration of being released from the joint obligation with Thorn informed Bowne that Allen had not recorded his deed and had been in Europe two years. Bowne, with Silas Hathaway as his agent, brought suit, and obtained judgment for ten thousand dollars against Thorn and levied on Allen's land, still in Thorn's name. Hathaway obtained the appointment of his brother and Asa Holgate as appraisers; they appraised at one dollar per acre the lands, which could be sold easily for eight dollars per acre, and the land was bid in and held in Silas Hathaway's name.

## CHAPTER XXVI

### THE MUSKETS — BRITISH COURTS AND FRENCH PRISONS

1798

DURING January and February, Allen worked steadily upon his 'Narrative' of the capture of the Olive Branch, and his 'History of Vermont,' for which last he made a map of the State, based upon his own extensive knowledge of the region and emphasizing Vermont's relation to the St. Lawrence River.

In Paris, Talleyrand gave a ball in honor of Madame Bonaparte to which all foreign ambassadors were invited. He sent an invitation to Gerry, but none to Marshall or to Pinckney.<sup>1</sup> Pinckney wrote Rufus King, March 14, 'the French want money, they also want to get Marshall and I away'; and in a letter to his brother he wrote, 'Gerry full of deceit.' Soon after, Marshall and Pinckney were given their passports which meant dismissal.

As an indication of the many rumors circulating in London at this time, Rufus King, on March 17, wrote to Secretary of State Pickering, 'though I cannot place much reliance on my information, it is, nevertheless, advisable that I should state to you that I have lately been repeatedly told that an expedition is soon to be made from British West Indies against the Floridas.'<sup>2</sup>

Fulwar Skipwith had resigned as Consul-General, but until he was relieved he continued to serve. Had Allen known of these matters, he would have given them little thought, but they were of the utmost importance to him.

From Boston, on March 12, Philip Adams wrote to Silas Hathaway, 'there is an account in this day's paper that General Allen has lost his arms.'<sup>3</sup>

The following letter from Allen's nephew, Heman, then seventeen years old, gives a view of conditions at home:

<sup>1</sup> *Pickering Papers*, Massachusetts Historical Society, vol. 22, p. 47.

<sup>2</sup> *Pickering Letters*, Secretary of State's Office.

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 3037, Library of Congress and University of Vermont.

RESPECTED AND DEAR UNCLE,

Your communications to the Government of the United States, through the medium of our representatives in Congress, have been duly transmitted; which is the latest intelligence we have received from you. I make no doubt that other letters have been forwarded, but the Postmasters in America are too well acquainted with your handwriting to insure a safe conveyance. I have written of late several lengthy letters on business . . . the present state of affairs being extremely delicate, . . . the Legislature at their last session granted a tax of one cent on each acre on all lands in this State, and the time of sale is to be between the first day of May and the last of July next; there are also other taxes on all your lands, . . . time of sale of some lands are near, others have already been sold, not possible to raise money for redemption; no lands have been lost as yet to my knowledge. Catlin will also get a final judgement . . . on the first of May, unless a statement of the whole estate can be made . . . there are other law matters . . . which call for your personal attendance. Thorn's creditors have received judgement against him, taken out execution, and made a levy on Swanton on the 23d day of November, 1797. . . .

Thus you will see that legislative bodies as well as individuals vie with each other in enacting such laws as shall disturb your interest. From such Legislators *Good Lord* deliver us. While writing the disagreeable situation of business at home, I am not insensible of the difficulties you have to surmount in Europe, and think you had better weigh the one in the [balance] with the other and see which preponderates. With these reflections I bid you adieu, trusting and hoping this letter will not meet you in London.

A sage letter from one so young.

Allen's cause came before the Court of Appeals on Friday, March 30. Sir William Scott, King's Advocate, in his argument said:

My Lords, I must also add a circumstance, which, in my apprehension, does create a considerable degree of suspicion, that is, the disguise under the authority of General Allen which was practiced on this vessel. She was, on coming out of the harbour, put into masquerade and disguised by the Master, for the express purpose of eluding the notice of British cruizers.

He called the attention of the court to the fact, it was not a merchant who sold these arms to General Allen, but 'a government of a hostile country.' Pennsylvania sent an agent to England who endeavored to buy ten thousand muskets from a factory in Birmingham that made arms for the English Government, but the Government refused to let him buy direct, fearing (as the official making the report stated) it



would advance the price and increase wages and to increase wages would give the workmen more leisure time (twelve hours was a day then) and they did not know how to use it and would get drunk.<sup>1</sup> Scott called attention to the fact that Allen was not a merchant, but an American general; that France had withdrawn themselves from their fealty [with the United States] eleven days before the execution of this contract . . . which is a natural prelude to a state of war between the two countries . . . handing over this very large assortment of arms . . . for the purpose . . . of equipping the military establishment of America.

He dwelt on the supposed insurrection in Canada the previous year and the close proximity of Vermont to that country.

That in Vermont there has been always a party of men full of that disorganizing spirit which has troubled Europe . . . and there is a party which has been much attached to the government of France in the State of Vermont; that they had considerable force and assistance from France.

He acknowledged having no legal evidence, 'which entirely chains me up.' His address<sup>2</sup> was long and contained not one conclusive fact that could tend to prove the arms were not Allen's property or were not intended for the militia of Vermont. He was followed by Dr. Lawrence, who, acting for the Attorney-General, delivered a long address.<sup>3</sup> He questioned Allen's ability to buy arms on seven years' time and inquired if he was going to sell them on such long time. Why did he not insure the cargo if it was his? Why did he get another to make the charter? He accused Allen of falsehood; but was himself the falsifier, making to the court several statements he knew to be false. His was like the preceding address all insinuations, nothing founded on evidence. The arguments were so absurd that the present-day reader finds it difficult to understand how a court of appeal would listen to such a presentment.

When Thomas Erskine addressed the court in behalf of Allen, he said:

My Lords, I am to address you on the part of General Allen, and I by no means intend to address myself to your lordships' humanity,

<sup>1</sup> *Pickering Papers*, United States Department of State.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, p. 159.

<sup>3</sup> *Ibid.*, p. 170.

or to your lordships' commiseration; but I mean to address myself to your lordships' justice, and to do so according to the rules which have been immemorially established for the examination of facts. . . . I would charge your lordships against confounding, in the smallest degree, suspicion and proof.

He then read the certificate of Thomas Chittenden, given to Ira Allen in 1795, which, after enumerating the many offices and missions Allen had been called upon to fill, concluded, 'which offices and missions he has discharged with honour and fidelity, which has contributed much towards the establishment and interest of this government.' He then inquired of the court if such a character as that given to General Allen was not 'of great importance and consideration, when you are to sit in judgment upon a cause like the present. . . . I was confounded that that learned gentleman [Scott] could arrest your attention with so much plausibility.' He then detailed all the circumstances in respect to the transaction and told how often Allen related its details to others and said that, if Allen had forged the documents, and that afterward it was proved that the arms were never the property of General Allen,

and he actually was in the course of his passage with arms, for purposes absolutely hostile, I ask your Lordships this, it is an ancient defence, *cui bono* — my lords, I surrender the cause if you can answer, this, not to-day, but at any time which you shall take for decision, what interest could a man have thus to impose on his own country, what interest could he have for setting his foot in this vessel for such a purpose? And what opinion could the government of Vermont form of such a man and of such a transaction? . . . My lords, when I have, in the course of my profession, which I have been engaged in so many years, when I have been necessarily as I thought wasting the time and attention of judges and juries on the part of my client it has always been when there was at least something of the appearance of evidence, or something like evidence against me, . . . but here, my lords, in this case I am in a most singular predicament, as I am counsel for a man whose character was never wrecked from the first period of his life, whose conduct was never disputed, who was leagued with no enemy, and without any possible interest, which the fertile and able mind of the King's advocate can find out, what interest?

He then scored the judge in the Admiralty Court and closed with

My lords, I have not called on the humanity of the Court, and I will not, because I ask of your lordships justice, neither will I do

what has been often done, go into questions of policy; but I will venture to affirm this, that the best policy both of public nations and individuals is, to do justice.\*

It was a convincing argument. The Chief Justice inquired if the form of the contract was regular and later remarked, 'It seems to be extremely extraordinary that there should be a contract of this kind with any government not countersigned by any person.' The court should have known that, when the Directory of France ordered a minister to act, that order was obeyed without any endorsement. The justice also inquired if the money paid on the arms was by draft on some merchant or a letter of credit? Neither method was feasible at the time, but it may be conjectured that Allen hesitated to admit that he carried the gold from England to France when they were at war with each other.

The following day Dr. Nicholl addressed the court in Allen's behalf and made a strong, conclusive argument. In closing he said:

He appears before your lordships, asking not commiseration, as was stated yesterday, but asking of your lordships' justice, by a decision founded on policy, on that best and wisest policy, the policy of showing to all countries at this awful period, that the tribunals of Great Britain are yet ready to do justice to foreigners, at the expense of British captors.

Sir William Scott made the closing address. He expressed doubt of Allen's ever having the request of Chittenden to buy arms. The court was then cleared for one hour when the decision was announced. They reversed the lower court, ordered the arms to be delivered to Allen on bail, and allowed him time to obtain further evidence.

This decision was rendered a few days after Allen's book came out; 'Particulars of the capture of the ship Olive Branch laden with a cargo of arms &c., the property of Major General Ira Allen, destined for supplying the militia of Vermont, and captured by His Britannic Majesty's ship of War Audacious: Together with the proceedings and evidence before the High Court of Admiralty of Great Britain, Vol. 1. By Ira Allen, Esq. of Vermont, in the United States of America, the claimant in this cause, London 1798.'

This book of four hundred and five pages contained not only

\* Allen's *Narrative of the Transactions, etc.*, p. 185.



all that was formally published in 'Twenty Thousand Muskets,' but all the testimony and remarks of the judge up to the time the case was taken to the Court of Appeals. As it was the first time this was ever done in England, it created much comment. The effect on Judge Marriott a few months later will be disclosed.

Rufus King at once notified Secretary of State Pickering of the decision and informed him that the court required more evidence of the payment of one hundred thousand livres by Allen.<sup>1</sup>

Slade, on April 28, paid Allen fifty pounds on account, which kept him in funds for living expenses.

About this time John King, the Under-Secretary in the British Foreign Office, received the following confidential letter, marked 'secret,' from Colonel William Tatham, mentioned in the last chapter, written from his home on April 19:

Since I had the pleasure of conversing with you on the 17<sup>th</sup> inst touching the Arms captured in the Ship Olive Branch, and lately released to General Allen, upon bail according to a decree of the Lords of Appeal in Prize Causes reversing the Judgment of the Court of Admiralty, the General has thought it proper to make known his intention of accommodating Your Government with the immediate use of them to the Minister plenipotentiary of his Country residing near his Britannic Majesty.

I have therefore opened overtures to Lord Cornwallis upon this basis, and beg leave to explain myself more particularly to you, lest my Intervention in this case should by any means be misunderstood.

Should it be necessary to stamp a credit on my ideas beyond what occurs in the instance before us independently, it will be recollected that I have pursued one uniform pacific system from the conclusion of the American War; that I was the first person dismiss'd from Spain on the approach of her present hostility, and that I have predicted the prematurity of certain supposed measures which left commanding Angles of operation to future chance, while they might easily have been secured by preparatory steps.

I take it for granted that the lights of this day have eradicated every argument which might have opposed my favorite policy towards America — I mean *conciliation & consolidation*, for I am persuaded the old maxim 'divide & conquer' can have no other tendency in that distant and extensive Country than to disseminate an endless revolutionary disposition throughout a too luxuriant soil; nay I leave you to determine how far such a turbulent spirit may comport with the future safety of the British Monarchy, or be subject to executive controul.

If this doctrine is sound, I shall rightly have advanced what I

<sup>1</sup> *Pickering Papers*, Department of State; also *Commercial Advertiser*, June 12, 1798.

aim to be understood in: that to be officially well with *Congress* is a good point; but a stronghold in the hearts of the *People* is a better. It is in this sense that I count at least one political end gained in the business before us; for I have no doubt that the mass of Citizens will make either a condemnation or detention of the Arms a common cause of very serious import; & we may readily guess who would cherish the discord.

But if a contract is negotiated by the *Proprietor*, there remains no longer an argumentum ad rem against England; and if the Arms should in the mean while be interesting to Government, I do not see why they themselves may not as well receive them in the Nature of Bail and accommodate Gen<sup>l</sup> Allen's wants, as to permit an individual to do it, seeing also that final responsibility to the judicial tribunal (in a far less sum than I think Government should allow for them) will be precisely the same thing in this as in any other way.

Would it not however be best to make the *most* of this occasion, by putting the *Man* in a way to be serviceable, who is situated and concerned above all others in the United States to study and promote His Majesty's interests; and whose cause will necessarily survive on one side or the other tho' he himself should perish in a Dungeon.

I herewith inclose a Map of the Country more immediately in contemplation, and if it should be thought advisable to go into further detail, I think it will not be hard to shew how a hundred thousand Effectives may be added to a prudent political disposal of the Arms in Question, if the Nation have not a more immediate use for them.

I wish it understood that General Allen will be enabled to satisfy the point of proof reserved, and have the honor to be <sup>1</sup>

He enclosed a map of Vermont, 'drawn under the direction of Ira Allen, Esq., late Surveyor-General of that State.'

This letter illustrates how important this case had become. Tatham's statement that 'tho' he himself should perish in a dungeon' was not idle, as will appear from the record of later events.

Prescott was disclosing to the Ministry that his information regarding Allen was not based on facts. He wrote Portland, May 16, 'the papers tending to prove that the arms taken in the Olive Branch were intended for McLane's expedition . . . have not been obtained: but I hope the want of them will not now be of consequence, as I understand the vessel has been condemned.'<sup>2</sup>

Prescott could not coöperate with the Council in Canada

<sup>1</sup> *Canadian Archives*, Q-81-2, p. 542.

<sup>2</sup> *Ibid.*, Q-80-1, p. 164.

and the Government had to recall him. Major-General Hunter, commander-in-chief of the troops in Canada, wrote to the Foreign Office, 'I had not the honor of knowing General Prescott before I saw him here, but if I was to judge of him by his behaviour since we arrived here, particularly his conduct to [Lieut] Governor Milnes [who succeeded him] I should not hesitate a moment to pronounce him mad.'<sup>1</sup>

This disposes of one of the characters who blocked the wheels of justice for Ira Allen.

Allen's announcement of his success is found in the following:

LONDON *May 2d* 1798

SIR,

I have the pleasure to inform you that I am in good health and spirits. Have in the High Court of Appeals reversed the sentence of the Admiralty Court and am now to have my muskets &c on Bail. I expect this day to conclude a Contract with some Merchants to Bail the property — and while that is preparing for Shipment shall go to Paris for certain proof that have been unexpectedly called for by the Court — If I should be fortunate in obtaining that, shall have a final decision in my favour before I sail for America, which will include Costs &c nothing but the Internal revolutions in France can prevent me — If that should, then I have the Property on Bail and shall proceed therewith for America; there I can obtain all proofs necessary and transmitting them to my Council the business may be closed in my absence — I am extremely impatient to return home; shall loose no time in effecting it —

I have printed a state of my Cause first in Pamphlets of 106 pages in Jan'y — I added to it till it has become a Book of 405 pages — I printed 750 of the first and distributed 150 — I have distributed 100 with the additions — the first were sent to different parts in America for Congress and Vermont in Nov<sup>r</sup> the other in Feby — make no doubt but some have arrived — But am confident most of my Letters are Intercepted for which reason I most earnestly request you to send Mrs. Allen a Copy of this Letter as soon as you receive it — The affairs of Europe are extremely convulsed and no prospect of Peace — was I safe in Vermont with my Property think I should content myself there at least till a General Peace — Let Mrs. Allen know I have rece'd her Letters of the 7th & 9th of Jan'y last, that I have wrote lengthy Letters respecting Catlin's suit &c both to her and my Council — Hope some have arriv<sup>d</sup> by this time —

Yours &c

IRA ALLEN <sup>2</sup>

MR. NOADIAH BISSELL

P.S. The securities Mrs. Allen mentioned in her last ought not

<sup>1</sup> *Canadian Archives*, 286, p. 494.

<sup>2</sup> Vermont Historical Society.



be sold under half their nominal value & are really worth three fourths of the principal & Interest — It is more than probable that I shall sail in the June Packet as a convoy I learn will not sail till July — in that case I shall bring about £20,000 sterling with me which may be usefull. [He must have meant £20,000 worth of arms.]

Silas Hathaway had not only betrayed the trust placed in him by Adet, the French Minister, but was now endeavoring to extort money from him. He claimed to have all of MacLean's papers and tried to sell them to M. Letombe, French Consul-General, and Mr. Yrujo, the Spanish Minister, who was suspected of coöperating with Adet. He made a statement, on May 9, to a member of the State Department that Yrujo had advised him to deliver the papers to M. Letombe but that he had refused. On May 12, he wrote to 'Citizen Adet' from Philadelphia that he had called on the two named 'and they advised me to write to you.' He stated that, if affairs were not to continue, he would like 'such compensation as is reasonable in such business. You will undoubtedly remember your promises in your letter to David [McLean] and his family friends of the date of 30 March, 1797. I have got all the papers . . . the Colonel [MacLean hanged July 21, 1797] has lost a great deal in the adventure of the cause, you must undoubtedly heard before this time . . . I should be glad to know as soon as possible.'

Hathaway was later to engage in wrecking Ira Allen's fortune.

Returning to the cause of the Olive Branch, now before the Court of Appeals, and their decision rendered March 31, to restore the arms, Allen's narrative states:

The preceding decree of court made it necessary to procure bail, to be responsible to the captors for the appraisal and costs, in case of condemnation, which must be two or more subjects of Great Britain, of sufficient responsibility; it would also be necessary to procure bail for the demand of Mr. Bowerbank aforesaid. The captors' friends gave out that it was impossible for the claimant, in that situation, to procure bail, without which his cargo must have been disposed of in England. It may be further observed, that prejudices ran extremely high; that the claimant had set a precedent in the Kingdom, by citing Judge Marriott before the court of King's Bench, and his book, containing the particulars of the capture of

<sup>1</sup> *Pickering Papers*, Massachusetts Historical Society, vol. 42, pp. 44-53.

the Olive Branch . . . which shewed the justice of his cause, and exposed part of the false insinuations made use of to prejudice the rulers and subjects of Great Britain against him. Notwithstanding the severe strictures on Judge Marriott, it added to the number and exertions of his friends, several of whom he consulted in prison, and through the interference of Mr. King [in May] Messrs. Bird and Savage,<sup>1</sup> entered bail for the cargo, and were further induced to become responsible for the debt due to Mr. Bowerbank, and other debts in London, to the amount of about two thousand pounds in all, which sum was to be paid from the first sales of the cargo, which by this stipulation was consigned to Messrs. Bird and Savage, to be shipped to New York and to be there disposed of, and it was expected that the cargo would be, and it was, appraised at a very low price [£6.278.12.6]. Here again, a combination was disappointed, and the claimant at liberty to go in search of the proofs required by the court.<sup>2</sup>

Allen requested his counsel to 'reform' their allegation to compel the court to state explicitly what further proof was necessary. They informed him 'he must first go to France and procure all the proofs he could, and, on his return, the allegation would be reformed, and no doubt his property restored.' He proposed that he should go to the United States and there obtain all the proof necessary; 'that if he went into France, considering the spirited controversy he had in England, he was apprehensive that by some intrigue of the captors, their agents, or others, he might be detained in France.' After several interviews with his counsel and Minister King, he became convinced that his property would be condemned if he did not go, so he decided to take the risk, believing that, if the French Government would not allow him to go to Paris, they would permit his return to England, whence he could sail for home. Allen's counsel, Robert Slade, must have apprehended no danger to him in France or doubted his speedy return. He gave him the following letter of introduction to a lawyer friend in Paris:

LONDON the 9 May 1798

This letter shall be taken to you, dear friend and compatriot, by Major General Ira Allen who has important relations with your government relative to a purchase of arms which he made of the Minister of War in the month of July 1796, of which he requires proof copies. I pray you to give him all the help you can to get the

<sup>1</sup> Bird and Savage were bankers in London and acted as fiscal agents for the United States.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, p. 255.

proof he needs and independent of the two American Witnesses he has, he will require for his affair in that Court of Justice all that our Court would demand. General Allen will explain to you more particularly of his trip and I know you will give him every help possible.

You know the sentiments with which I am  
Your friend and servitor

ROBERT SLADE<sup>1</sup>

P.S. Send me your news by this Gen. Allen.

Envelope addressed to Citoyen Bonnomet, Notary, Rue Chabannois, at Paris.

Dr. Peters, on May 8, gave Allen a letter of introduction to his friend M. W. Spittallier, Librarian at Saint Omer [France]: 'General Ira Allen of Vermont in America is now setting off from here to Paris on special business and will return after three weeks. He is my friend and merits my friendship and gratitude; therefore I beg leave to show him the best consideration that is in my power &c.'<sup>2</sup> Allen obtained his passports and went to Dover. On May 11, he wrote from there to Erskine, Slade, Nicholl, and Arnold, his attorneys:

I arrived here at eight oclock this morning with regular passport for France, found the tide and wind in my favor; while agreeing with a Swedish captain for a passage and taking a cup of coffee, an embargo was announced at the custom house, to which I immediately repaired and found it confirmed. . . . I have taken a seat in the mail coach for London; after waiting on his Excellency Rufus King . . . shall meet you at the cockpit and have reason to suppose that the most noble the lords of appeal in prize causes sit to-morrow and have to solicit for your consideration that I am entitled to a passport that will carry me to France or that their Lordships will dispense with the proofs required from Paris.<sup>3</sup>

It was rather a strong letter to write to such eminent counsel, but Allen would have been more than human not to have voiced resentment.

Allen returned to the vicinity of London, taking lodgings at Skinnerstown, a suburb, and 'proceeded to finish printing Allen's "History of Vermont."' He was informed that, if he went to London, he would be arrested in a suit for libel, for under the laws of England 'truth might be considered a libel,

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 530, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 529, *ibid.*

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 531, Library of Congress and University of Vermont.



when published against a man in power.' He wrote Myers, his publisher, to proceed with the printing as fast as possible, as he would leave England in six or seven days. The balance of the proof was sent to him in a few days, when he applied for new passports which were granted. With the order of court and a passport from the Duke of Portland, dated May 17, in which he is described as five feet seven and one half inches high, brown eyes, etc., and one from Rufus King, dated May 18, in which it is stated that Ira Allen is 'charged with dispatches from the President of the said United States to the American envoys at Paris,' which in ordinary times would have insured him the most courteous treatment, but at that time was sufficient to cause his arrest the moment he arrived in France, he prepared once more to leave England.

Allen knew that he would be spied upon, and sent a letter to the captain of the ship at Dover on which he was expected to cross, to delay his sailing for a few days; he also paid a guinea for a seat in the mail coach, London to Dover, three days hence; 'the next afternoon a hackney-coach was engaged and, in company with a friend, the claimant arrived in Dover.'

He had a small trunk 'which contained some of each of his books . . . and the arguments of counsel before the Court of Appeals.' He anticipated that the captors might try to examine his trunk, so he secreted it in a retired part of the ship and then went to show his passports at the custom house. He was informed that he could proceed whenever the ship was ready, but, it being a holiday, no baggage would be examined or passed. He made a pretense of leaving his baggage with his friend to be forwarded. The friend was William Tatham, of the British Foreign Office, who, Allen did not know, was acting as a Government spy at the time. H. M. Bird wrote him, 'I shall thank you to write [setting forth some agreement made the day before] it from Dover where you will have leisure. In your letter you can express the receipt of the £50, which I send you by Colonel Tatham. Wishing you a successful journey &c.' He had to pay eighteen guineas for his passage, which was almost equivalent to hiring the ship. The next morning he arrived at Gravelines, France, and had leisure to correct a few of the proof-sheets of his history and return them to London.

When he arrived at Gravelines, May 20, some of the officers

and members of the municipality were at the landing. He walked with them to the municipality or city hall, to which place his baggage had been sent and where it was inspected. He exhibited his passport from King and the one from the Duke of Portland; also the order of court, which disclosed his business in France, and he informed them that he was a citizen of the United States. He requested a pass to go on to Paris and, if necessary, have the company of a French officer, whose expenses he offered to pay. His request not being granted, he inquired if he might employ some person, approved by them, to go to Paris and do the business for him. This also was refused. They offered to assist him, as far as they were permitted, by forwarding his letters to Paris; and to enable him to write. He was escorted to the house of a Mr. Lasieus, where a sentry was stationed to guard him and one other passenger, a French cook, who had been some time in England. The two had to pay the sentry thirty sous per day. Allen wrote his letters, and a member of the municipality called in the evening and promised to forward them to Paris. The papers Allen carried, addressed to Mr. Gerry in Paris, were taken from him and forwarded to the Directory. His first letter was to the Citizen President of the Municipality of Gravelines.

As the Regulations of the Republic require my remaining at this place till a passport arrives from Paris, I cheerfully conform to it; at the same time wish to make it as pleasant as possible. Have therefore to request that by documents in your possession you will see that the Executive Directory had so good an opinion of me that a little time passed they gave me credit for more than 400,000 livres. That by the legation of the United States under the signature of their Minister at London you will see who I am and the objects of my journey to Paris. Under these circumstances have to ask the privilege of my Parole of Honor to remain in this vicinity until I have returns from Paris.<sup>1</sup>

The authorities decided that he and the cook could walk out together under one guard. The next morning the cook wanted to go to the city hall, but Allen refused to accompany him. They then offered to put another soldier on guard if he would pay him, which was done; and he was allowed to go anywhere within the walls of the city, the guard with his gun loaded

<sup>1</sup> Wilbur Photostats, No. 541, Library of Congress and University of Vermont.

walking behind. When General Joubert, who commanded at Gravelines, arrived in a few days, the sentry was removed and Allen was allowed to go where he pleased on parole.

Among the letters he wrote to Paris was one addressed to the Minister of the Interior. It went to M. Talleyrand, Minister of Foreign Affairs. He enclosed copies of the 'History of Vermont' and the 'Particulars of the Olive Branch,' informing the Minister that the British Court of Appeals required evidence which he was there to obtain. He added that, as four fifths of the purchase price of the arms was still due to the French Government, he had no doubt that he would receive every assistance. 'Yet I must say my business is extremely pressing. . . . About thirty pages of the last of the book shows the spirited manner the cause has been conducted on both sides.'

The following postscript must have invoked a smile from the man who had dismissed the American envoys:

The dispatches [entrusted to Allen by King] to Messrs. Pinckney, Marshall and Gerry are no doubt of the nature of a recall, as I am extremely desirous of peace and good understanding between the Republics of France and the United States for more reasons than can be assigned to the limits of this paper. I suggest the idea of their being retained in your hands until I arrive in Paris, when I will make every effort in my power for a reconciliation; but if letters of recall are delivered it will be too late.<sup>1</sup>

Another letter was to General Clarke recalling that by the request of M. Carnot, in consequence of the credit given, you asked me to leave with you my original instructions of the Governor [Chittenden] to purchase arms . . . which I desired you carefully to preserve. . . . I have to request you to give information to the Minister where they are. . . . If you are in Paris, I have requested the Minister to forward this to you, as I am at a loss [to know] whether you are in Italy [with Bonapart] or France.<sup>2</sup>

General Clark's reply, on June 1, must have warmed Allen's heart:

I have received yours of the 20th of May. . . . The papers which you have committed to my care are still in my hands and have been preserved as you wished they should be. I shall be very happy to remit them to you when you'll desire me to do so.

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 537, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, *op. cit.*; Wilbur Photostats, No. 538, Library of Congress and University of Vermont.



I went yesterday (which was the Day I received your letter) to the Minister of Foreign Affairs [Tallyrand], and begged of him to send you the Passport you called for, he mentioned the books you sent him, but, as he did not offer to permit me to peruse them, I suppose I shall be deprived of the pleasure I should have felt in reading the Manner you have contributed in for the Independence and Liberty of your Country.

I shall be very glad to see you at Paris, and, though my situation is much changed, my heart and my wishes for your welfare and that of the true and sincere friends of Liberty all over the Globe are always the same. [After giving his address, he closed with] Do me the honor to accept of the fraternal wishes with which, Sir, I am wholly yours,

G. CLARKE <sup>1</sup>

What anguish Allen must have suffered! There were the papers safe and ready to hand to him if he could only get to Paris. General Clarke was so powerful when he was there before that Allen could not understand why a mere request would not secure a simple passport at once. He could not know that Barras was now all-powerful; even Talleyrand could not obtain a passport without his consent.

Another letter was written to Fulwar Skipwith, still acting as Consul-General of the United States, requesting his help to obtain a passport to enable him to proceed to Paris. He mentioned that he had also written to Thomas Paine and called attention to the book 'Olive Branch' he was sending him, 'a precedent has been set for the first time in the Kingdom, that the Judge of the High Court of Admiralty of Great Britain has been by a claimant caused to appear before the Court of King's Bench.'

Skipwith replied to this on May 24: 'I have this moment received your letter . . . and shall hasten . . . to solicit from the Government your passport to come to Paris, and which I presume will be readily granted. Mr. Paine is in the country, but I do not imagine that his interference will be wanted to facilitate your coming to Paris.'<sup>2</sup>

Allen also wrote to the Minister of Police to forward the passport and sent him copies of his two books. 'My letter will show the propriety of my going to Paris without any comment on the contents of the Dispatches to Mr. Gerry.'<sup>3</sup>

<sup>1</sup> Wilbur Photostats, No. 543, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 542, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 540, *ibid.*

The day he expected the passport he gave a dinner to all the members of the municipality and the French officers of consequence stationed there. Not one could speak English and Allen could not speak French. The passport did not come.

Allen then applied for a permit to leave France, but no one in Gravelines was authorized to issue such a permit, unless instructed to do so by the Minister of Police. He at once wrote to the Minister for a permit. In the meantime he heard from London that the captors were pressing for the condemnation of the cargo, as the proofs required were not furnished. He then wrote a spirited letter to the Directory informing them of his situation and declaring 'that, if I should be detained and thereby lose my cause in London, I should not think myself justified in ever paying the balance due to the French Government.'<sup>1</sup> He sent a copy to Mr. Slade in London and his case was continued.

He wrote Skipwith, June 1, that his passport had not arrived and, desiring to return to the United States, he requested a passport to leave France. He wrote that sooner than have had such experiences he would have preferred to have had his cargo 'discharged' into the sea, 'to the dishonor of a recent treaty. But such a spirited controversy has issued that I wish to close it with laurels, if it be to the sacrifice of private property.'<sup>2</sup> When he wrote that letter, he had no conception of the great sacrifice he would eventually have to make.

Skipwith replied, on June 5, 'I received the books and am doing everything in my power, but particular circumstances at this moment appear to indispose all the public authorities against us. [United States citizens] shall see Mr [Thomas] Paine in the course of an hour and will prevail on him to make one more tryal to obtain your passport.'<sup>3</sup> One of the 'circumstances' referred to was the refusal of the American agents to pay a large sum to the Directory and also their refusal to make a loan to France. Rufus King notified Pickering that Gerry had remained after Marshall and Pinckney left France and expressed the hope that he had been recalled. On June 6,

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 265.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 544, Library of Congress and University of Vermont.

<sup>3</sup> *Ibid.*, No. 547.

he wrote Pickering that a letter from Gerry, dated May 14, informed him that France was going to give consideration to the controversy with the United States, but that he, King, did not believe it.

Allen wrote to the French Directory, on June 9:

I have received Mr. Skipwith's favor of the 5th instant, am much surprised that no answer can be obtained from the Minister; for your information I enclose the copy of my last letter to the Minister, which was in French and English. When you see by the books forwarded, that part I took in the defense of the New Hampshire Grants, the establishment of Vermont, the American war and the dispute I have with the High Court of Admiralty of Great Britain, what reason can be assigned in a land of liberty, for my being thus detained? I do most urgently call for a passport — or an order to leave the Republic for England. I am doubly unfortunate in attempting to get to Paris; for after obtaining my passport in England and getting to Dover, an embargo took place as I was on the point of sailing; In consequence I returned to London. Just as I was leaving there, Mr. Rufus King, Minister of the United States, received some dispatches from the United States which he requested me to carry to Mr. Gerry and authorized me for that purpose under the Legation of the United States, which dispatches have been forwarded by the municipality to the Minister of Police, which may not be useful to me in existing circumstances. However these dispatches were not any part of my original object to Paris Consequently do not see how they can with propriety operate against me.<sup>1</sup>

Allen, on June 13, addressed an urgent request to the Citizen President and Municipality of Gravelines, where he had been since May 20, stating that if he could get his property it would sell for more than thirty thousand pounds sterling in New York and four fifths of the price was still due France. On the 16th, he addressed Citizen Barras, the head of the Directory in Paris, informing him in a few words of all that had happened to him:

The object of my journey was to procure those proofs [Chittenden's original letter] unexpectedly required by the Lords of Appeal, that my bonds might be canceled, my property restored, with damages, before I left England. I expected that the officers of the [French] Government would have assisted me with a passport with promptitude, as four fifths of the purchase money is yet due to this government, and for other reasons too lengthy for a letter notwithstanding any differences existing between France and America, espe-

<sup>1</sup> Wilbur Photostats, No. 549, Library of Congress and University of Vermont.



cially when it may be considered that all Americans are not of one opinion.<sup>1</sup>

On the same day he wrote Gerry of his experiences, mentioned Rufus King, and added that one of the letters he had brought to France was on the subject of the recall; he regretted that he was not in Paris to help bring 'about a better feeling between the two republics, a matter of much consequence to millions,' and requested Gerry's assistance.<sup>2</sup> Allen did not know of the Directory's treatment of Gerry.

Skipwith in Paris wrote Allen, June 17, that he expected in a few days to get a passport, as the Bureau of Foreign Affairs had promised a favorable report that day:

I duly received yours of the 2nd of June with a letter for the Minister of Police, but as your obtaining a passport does not depend on him, I shall not present it.

On the following day, Talleyrand, Minister of Foreign Affairs, wrote Skipwith:

I have received, Citizen, your letters of May 24th and June 9th relative to General Ira Allen, who desires to be authorized to come to Paris and of some others of your countrymen detained at Orleans and at Fontainebleau. The examination of these two affairs comes within the function of the Minister of the Police General. I have hastened to give my colleagues aid towards the demand you make of a passport in favor of General Allen. I have remitted to him [The Minister of Police] that he may be better able to fix his opinion in that respect, a copy of your first letter; I have equally made him acquainted with your reclamation in favor of several persons detained and the means you proposed to assure us that those individuals are Americans. I shall take care to inform you Citizen, of the answer of the Minister of Police General when he shall return me.<sup>3</sup>

Allen, not knowing of the efforts in his behalf at Paris, on June 19, wrote a long letter to Skipwith:

Yesterday I received a letter in French, addressed to me, post-marked St. Omer; on opening it I found it was my letter to the Minister of Police of the 21st of May, containing a copy of my letter of the 20th of May and nothing else. . . . I received two letters from you dated May 24th and June 3d, which are all the information received from Paris after 30 days' unexpected deten-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 552, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 553, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 556, *ibid.*

tion. . . . Having been detained nineteen months by the court of Admiralty of Great Britain where a property is pending that would fetch £30000. sterling in America, I have also two suits-in-law in America representing land worth more than £30.000, and other business of consequence, which necessitates me to press hard for a passport that I may go to Paris or London.<sup>1</sup>

Skipwith, before he received Allen's letter, wrote him on June 21:

The Minister of Foreign Affairs, instead of sending you a passport as I expected when I wrote you last, has referred your business to the Minister of Police, where I shall make every informal application in my power, not being authorized to address myself officially to any other organ of the government than the Minister of Foreign Affairs.

The treatment of the envoys Marshall, Pinckney, and Gerry stirred the Congress and the people of the United States.<sup>2</sup> President Adams was so indignant that he closed his message to Congress on June 21, with these words: 'I will never send another Minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation.' The hostility created toward France in Congress induced that body, on July 7, to annul all treaties with France. Matthew Lyon, who was a Congressman from Vermont, wrote a libelous article against President Adams and was sentenced to jail for four months.

In England, Lord Cornwallis, on June 8, wrote Lord Grenville, 'In case there is a war [between America and France] we should give the United States of America every assistance and supply them with arms.'<sup>3</sup>

Allen, on June 27, wrote Skipwith, thanking him for his letter of the 21st, and enclosed a copy of his letter to Talleyrand of that date. Once more he requested his assistance to enable him to leave Gravelines either for Paris or England.

His letter to Citizen Talleyrand recited particulars that had happened since his purchase of the arms in July, 1796, calling his attention ('if he is being detained on account of the despatches he was bringing to France from Rufus King') to the

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 557, Library of Congress and University of Vermont.

<sup>2</sup> The X.Y.Z. affair is documented in the *American State Papers, Foreign Affairs*.

<sup>3</sup> Secretary of State's Office, *Pickering Papers*.

date of the decision of the Court of Appeals, his first passport, his second one, given by the Duke of Portland, on account of the embargo put on in England, and then to the date of Rufus King's passport which was yet later.

No American could with propriety refuse being the bearer of dispatches from the Minister of his country; nor could those sealed papers with propriety effect the bearer for several reasons; they were understood to be duplicates sent by different channels and the same would have been forwarded by the next opportunity had I refused them. But when I reflect on thirty eight days arrestation in this place, it clearly appears that I am not a welcome guest at Paris, yet I have no knowledge of any act of my life operating against the Republic of France. Since national or other prejudices are pointed against me to that degree that I cannot gain the least answer to repeated letters to the Minister of Police or a passport to Paris for the purpose aforesaid.

He informed Talleyrand that he must return to England to prevent the loss of the arms, and to America to attend to his affairs there,

and be preparing to fulfill my contract with the French Government, being fully persuaded that there is some misunderstanding or I should not have been detained so long, for it must be interesting to the Republic of France that I preserve my property in England and America that I may be seasonably prepared to discharge the contract aforesaid. In hopes of a speedy and decisive answer, I am, etc.<sup>1</sup>

When Allen left England, his friend Dr. Isaac Moseley agreed to look after his business affairs. Bird, Savage, and Bird were to render all accounts to him. On July 3, they rendered a bill 'Expenses in matter of arms,' £32-1-9. Dr. Moseley wrote Allen July 11:

I have duly received your letters of June 1st 1798 and 28th. Mr. Myers [Publisher] has received his and by the gentleman by whom you sent it. . . . Your cargo is appraised (and to the astonishment of all friends) the whole sum of the appraisment is only £6278.12s. 6d. The muskets at only 7s. 9½d. each, when lumped together. Your business is going on in such a manner that I trust you will be satisfied on your return; which I hope will be as soon as you can make it convenient as every one knows or ought to know his own business best. A word to the wise is sufficient — Your good friend Mr. Slade has had the misfortune to break his leg and has been confined for about four weeks. Your business with Lar- and Gra<sup>m</sup> is put over to November next. . . . Shall write Mr. Crow, some hints to communi-

<sup>1</sup> Wilbur Photostats, No. 560, Library of Congress and University of Vermont.



cate to you on your return . . . and enclose this to him to forward. Your friends unite with me in hearty good wishes that your journey may be short and successful. I remain your friend, &c.

N.B. It is reported that Mr. G[raham] is now on the Continent he was seen at Dover about 3 days before you the first time, previous to the embargo &c. Mr. B[owerbank] also says that G—— is on the Continent &c. Q[uestion] Whether he [Graham] is not there for mischief — to you.'

Dr. Moseley did not know that Allen had arranged before he left England to have the arms appraised at the lowest possible figure. This saved costs and made his bail feel safer.

On July 15, Allen wrote Skipwith again:

Enclosed you have a copy of a memorial I have caused to be written in English and French under double seals to Citizen Barras. . . . Much time has elapsed since I have received any letters from you and my patience is almost exhausted. Much business and family connections makes a state of suspense intolerable, at the same time [I] do not doubt but you have rendered me every service in your power. The commissary and municipality of this place have lately wrote the Minister of Police in my favor. Every matter considered, think it very strange that I can't get neither back or forward.

On the same day he wrote to the Directory, reciting all that had happened to him and why he came to France. He wrote of his lawsuits at home involving thirty thousand pounds and the danger of losing these suits by his absence, closing with: 'Ports that are open for people to come in ought not to be shut against their return.'

Talleyrand wrote Gerry, on July 15, that since the other two envoys left he finds he and Gerry do not 'agree.' He enclosed a passport, which meant dismissal. Gerry sailed from Havre the evening of August 8. He was frightened on the voyage, as he thought that he was being chased by a French boat on approaching Portsmouth.<sup>1</sup> He left England for the United States, August 17.

Allen could obtain no reply to any of his letters to Paris. He wrote Skipwith, July 16, that he would pay any reasonable sum for a passport or leave to return to England.<sup>2</sup> Skipwith replied on the 21st as follows:

<sup>1</sup> Department of State, King to Pickering, No. 91.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 570, Library of Congress and University of Vermont.

On receipt of your letter of the 16, instant accompanying a memorial for the Directory I applied at the Bureau de Police of American affairs and was informed by the chief that at last a report, and I am happy to add a very favorable one, had been the day before made to the Directory; so that I am now [in] hopes that ere many days you will get your long looked and labored for passport. I could get no other explanation of the extraordinary delay which has attended this unpleasant business, than that it had been owing to the multiplicity of business which had weighed upon the Minister of Police.\*

Allen, some time before this, had decided that he must learn at least to read and write French if he was going either to leave Gravelines or to accomplish the object of his visit. He took one lesson from the interpreter of the municipality, but it was his last one, for the man died suddenly the following day, and Allen could not find another there who spoke English. About this time an American arrived at Gravelines from England on his way to Paris; he claimed to Allen that he also was detained. He spoke French and acted as interpreter for Allen. As he was the only man in Gravelines with whom Allen could converse, he moved to the lodgings occupied by the stranger and they were together constantly. He described to Allen an easy way for him to leave Gravelines and go to Paris without permission, but Allen soon discovered that he had been sent as a spy. The discovery of his perfidy came on a day when they were taking a walk, through a woman speaking in English to Allen's companion from a doorway. Allen marked the house, said nothing, and the next day called there and found it was the home of a captain of the guards whose name was Ager and whose wife was now the interpreter to the municipality, which this American knew but did not mention to Allen.

The captain and his wife developed into good, true friends; through her he learned that this American had circulated the report that Allen's great anxiety had driven him crazy. All this time Allen kept writing to every one he could think of in Paris, but received no replies. Everything had changed in the capital since his last visit; those who were powerful then were now out of office, and his pleas for action were disregarded. On the long walks which he took for solace and meditation he found a small village about four miles from his lodgings in which he could buy silk stockings and, needing some, one after-

\* Wilbur Photostats, No. 571, Library of Congress and University of Vermont.

noon he walked there and passed the night in the place rather than return in the darkness to his room. The next morning it was reported in Gravelines that he had escaped; others supposed that while in a crazy fit, he had drowned himself. His American, so-called friend, and others began a search.

The Municipality assembled; the commandant of the place, his landlord and the American took a hack and set out for said village, as they remembered that he had dined there several times. The members of the municipality repaired to his chamber, where they found his loose coat and trunk; they formally put their seals of office on his trunk; but looking out at the window, they saw him returning to his lodgings.<sup>1</sup>

They hurriedly removed the seals and retired in much confusion.

The American did not tell the municipality why Allen had gone to the village, as requested to do, but Mrs. Ager informed them. They decided that he had not exceeded his parole. This exposed the spy and he at once went to Saint-Omer, where there was a military prison and, as his papers were said to be irregular, he was arrested and confined there. His confinement may have been part of a plot against Allen, but, as a sequel, it miscarried. Allen had made so many friends in Gravelines that he finally induced Mr. Turlotte, member of and secretary to the municipality, to go to Paris and, if he could not obtain a passport for Allen to go to Paris within three days, he was to endeavor to obtain permission for him to leave France. Allen gave Turlotte fifty gold louis — about two hundred dollars. To obtain it he drew a draft on Bird, Savage and Bird for sixty louis, as they had agreed to meet his drafts for necessary expenses. An American shipping agent, Mr. Crow, of Dover, cashed it and sent the money to Allen. The draft was refused in London, with the statement, 'they have no effects on hand.'<sup>2</sup> This was a severe blow to Allen's credit and caused him much trouble. Gold would have obtained his release before this, but Allen had none and, on account of the interest of France in his arms, he did not think it necessary to provide for this contingency.

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 266, Wilbur Photostats, No. 582, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 579, Library of Congress and University of Vermont.



Allen's captors were active in many ways and, among other experiments, tried that of sending to Gravelines two fine-looking women who spoke English and, apparently, were much interested in General Allen. If a man could be tempted, surely this man would be, under all the circumstances. But the move failed; Allen declined to dine or walk with either of them and, when they could not tempt him to leave and go to Paris without a passport, they 'absconded.' 'The day Turlotte set out for Paris, a decree passed said municipality directing Allen to be prepared to go to St. Omer's prison at nine o'clock the next morning (two soldiers with fixed bayonets were placed, one in his room, and the other at his door).' It was claimed that he had walked out of the walled city when orders had been issued that no foreigner should be allowed the privilege. Allen had received no notice of this order. His friends, Captain Ager, of the guards, and his wife, the municipal interpreter, came to his rescue, and went on his bond for his remaining in the city. A few days after, his pass to go to Paris came, which made him happy; but his greatest suffering was then to begin.

He started for Paris *via* Calais, planning to stay at Calais that night, August 3, and to take a seat in the diligence the next day.

On his arrival, he spoke for dinner, and went to the Municipality [to report] who ordered him immediately to leave Calais, and to go on twenty one miles that night; he went to his lodgings, and, while at dinner with Mr. Maurice [a Frenchman whom he had met] and his family, an officer came from the Municipality, to see if he was gone and ordered him immediately off.

Allen invited the officer to have a glass of wine and told him that he desired to finish his dinner. Mr. Maurice objected to this treatment and went with the officer to the municipality, while Allen stayed with his family. Allen then went out and paid for his seat in the diligence (fifty-one francs, fourteen centimes) for the next morning, taking a receipt.<sup>1</sup> Mr. Maurice returned, having been unsuccessful in modifying or changing the order. Later in the afternoon, Allen was visited by two police officers, 'to whom he shewed his papers and receipt for his seat to Paris. They asked many questions, and took

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 584, Library of Congress and University of Vermont.

minutes of the answers, and left him.' That night, after he had retired, they visited him again and went through his baggage; he had a trunk covered with goatskin which the diligence receipt said weighed thirty-seven pounds. The next morning, they again interviewed him, but finally decided to let him take his seat for Paris. There is reason to believe that Allen had been denounced to the municipality as an English spy, hence this treatment.

He arrived in Paris, August 6, and immediately sent the following letter to Madame Ager, at Gravelines:

PARIS Augt 7th 1798

As I Promised to Give you an Account of my Travels after arriving at Paris, circumstances occuring, hasten to fulfill the engagement.

My Company in the Dilligence were a Lady, Gentleman & Sick Soldier We went on harmoniously about four miles (the Gentleman only speaking English with me) when we Perceived our Carriage on Level Ground begin to turn over very moderately All were alarmed but none could account for the Cause Yet it Persisted till Completely Upset Thus awkwardly situated like Quails in a Trap I found Means to get out through the Glass Window in the Coach Door Then Assisted my Comrades out the same way where we found the spokes in one of the Hind Wheels broken off close to the Hubb Our Coachman was obliged to return with his horses to Gravelines for another Coach leaving us exposed thus at Midday to the Scorching Rays of the Sun to contemplate the Harvestmen the Bounties of the Land and a Fertile Soil for a Good Harvest when another Coach came and we Proceeded on our Journey (the Lady often cautioning the Coachman for fear of turning over) When we came to the first Barrier of Calais, we were assisted in the usual & perhaps necessary manner by a Guard to the Hotel of the Diligence, Alighted from the Carriage was assisted by the Guard to the Municipality where I was ordered immediately to leave Calais as a Writ of the Executive Directory had forbid all Foreigners resting at that Place. It was Proposed that I should go five Leagues to sleep which I declined as my Intentions were to go the Next day in the Diligence for Paris I returned back to Mr. Maurice Hotel accompanied by Officers Guard & Mr. Maurice with whom I had the Pleasure of dining at Burborg By his & his Ladys intercession I got Leave to Dine with them Engaged my Seat in the Diligence leaving my Baggage and after dinner walked about 100 rods out of the Gates to an Inn in the Village where the Conductor of the Diligence was to call for me. In the evening the Lady of the House called for my name which I gave in writing Soon after she came in again and said that the Municipality were in the other Room & wished to see my Papers. I observed that they had seen them & taken such Minutes

as they thought Proper on which she returned & they came in the Room examined my Passport very minutely with the name I had before given then left me. In the morning I was awaked by Municipality officers in the Room enquiring for my Passport; again I gave it to them with a Certificate that I had paid my Fare in the Diligence to Paris. They retired after some Deliberation came back again & asked if I had not other Papers I said none by me that the Passport was obtain by Mr. Turlet member & Secretary of the Municipality of Gravelines going to Paris for me; that the Minister had Directed the Municipality to give me that Passport I ought therefore have that Order or a Copy of it they said. I observed that the Municipality of Gravelines assured me that that Passport was sufficient for me and they again Retired when I asked them to return my Passport which they did; just after I was up and going to the door saw a Plain farmer take a Pike Pole and take Possession of the Gate making signs to People in the Kitchen that I was up; I paid no Attention to it Wound my Watch Called for a Hairdresser and Breakfast; in the Meantime Mr. Maurice came to see me, Held a Conference with the People in the Other Part of the House, the Man with the Pike Pole disappearing; between Breakfast & Dinner I amused myself in Walking & Writing At half past one the Diligence came on & I set out for Paris. Several anecdotes happened on the way. One respecting a flea. Two French Ladies were in the Coach one by the side of me the other on the seat facing me when the latter Discovered a Flea on the former who with Difficulty caught it which made amusement for all the Company when she in order to get shed of the flea & some satire attempted to throw the flea out of the Coach Window hinting that it got off of me (by accident I understood her) when the Flea with Great Dexterity when on the Point of Banishment made his Escape from between the Ladies fingers and at Two Jumps gained the Lap of his old Friend. Pardon me Madam if I am not mistaken in such Friendships when I interfered in the Dispute siezed the Flea & threw him out of the Window declaring him to be no American, but a Native of France which added to the Mirth of the Moment.

On my arrival with Mr. Turlet took lodgings at the Hotel de Boston. The next day being Decade, the day following presented a Letter in French to the Directory; Was referred to Minister of Foreign Affairs with whom I have had an Interview & learn that Genl. Clark resides about two leagues out of the City. Shall go to see him tomorrow as he was Interpreter &c when I made the Contract with the French Government for Arms &c From these Circumstances think my Stay will not be long in this Place.

Your most Obedient Humbl Servt

IRA ALLEN

In answer, Madame Ager, on August 18, wrote of the news of the town and wondered if he would see anything in Paris more beautiful than his



favorite Wind Mill walk in this town, as charming as you ever saw it. . . . Mr. Turlotte [sends his] best respects, as well as my husband. The old President desires to be kindly remembered; for my part I have no reasons to think but in all opportunities you have only to command and be persuaded of my good will to render all the service that lays in the power of, Your most humble servant,

CLEDA AGER <sup>1</sup>

The very few who spoke English were devoted to him and through them the leading French people of Gravelines regarded him highly; and this when they hated the English; and often confused Americans with them.

Allen arrived in Paris during a troublesome period. He called on Skipwith, and at his suggestion addressed a letter to Citizen Barras, stating he had arrived and that there was due the French nation four hundred thousand livres on the arms he had purchased and that he was there to obtain evidence for the British Court of Appeals. He was referred to M. Talleyrand, Minister of Foreign Affairs, with whom he had several interviews, in which the strained relations with the United States seem to have been discussed, as Allen wrote him, August 13:

#### CITIZEN

As a citizen of the United States I feel for her interest in concert with that of France when on the verge of war and considering the causes that brought these Republics into existence are in some respects similar, that the carol of Voila la Liberté, Voila la Republique were heard from the French troops in the trenches at Yorktown at the capture of Lord Cornwallis and army which have since resounded through Europe to the Honour of the French Nation that the Treaty of Pillzents the coalition of Things against Republics was virtually as much against the United States as France. Witness the order of the British Cabinet of the 6th of Novr. 1793 for capturing the ships &c of the United States and the Speech of Lord Dorchester to the Indians in British America, That the Present War is more a War of Principles than that of Nations. Shall then those Brave Frenchmen and Americans who fought by each others' Sides in America contend God Forbid. They rather ought to be immortal. A War between France and America would cause a Treaty of Alliance, Offensive and Defensive between Great Britain and America injurious to France and America for more Reasons than are Necessary or Proper to Enumerate and there are Reasons to suppose that such a Treaty is in but too much forwardness yet it may be Prevented by Men with Plenary Powers from both Republics meeting at an early day

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 593, Library of Congress and University of Vermont.

(suppose at Madrid) for the Final Adjustment and Settlement of all Disputes; which would be a striking example of the Wisdom and Moderation of Republics.

Could I be of Service in bringing about an Accommodation would voluntarily repair to America for that Purpose — notwithstanding the Cause I have pending before the Lords of Appeal in Great Britain —

I am with High Consideration

Your most obedient Humbl Servt

IRA ALLEN <sup>1</sup>

TO CITIZEN TALLEYRAND

*Minister of Foreign Affairs*

While Allen was negotiating with Talleyrand he wrote, on August 24, to Hull in Boston: 'The vicissitudes of Fortune have detained me in Europe way beyond the time originally aloted.' He had sent a copy of the 'Particulars of the Olive Branch' to Hull and now informed him that he was in France to obtain Chittenden's request to him to buy arms and further proof that the French Government had received 106,000 livres from him. 'These proofs were left in Carnot's bureau, which by his precipitate departure has been flung into the utmost confusion.' He added that he had several persons searching and expected to find the papers soon.

Talleyrand arranged for Allen to meet the Minister of Finance and sent to the Minister the following letter and documents. The story these documents relate seems incredible. They are given in full, as found in the Secret Archives of France. Written in on top of the letter is the following:

Mentioned in the Secret Register under the dates 29 Ventose 7 year [March 20, 1799] under the number 389, placed under date of 13 Fructidor 6 year [August 30, 1798]

Foreign Affairs

(For you alone)

PARIS, 13 *Fructidor* 6 year. [August 30, 1798.]

*To the Minister of Finance.*

You will find herein, my dear Colleague, a report which was prepared for the Directory Executive. It is relative to an affair of which the department of Foreign Affairs knew nothing at the time, and it was treated very secretly under the direction of members of the Directory, by Genl. Clarke, which has had no result as to the expedition projected. The Directory Executive has charged me to send to you this which has nothing to do with my department and he has seen in different orders relative to it, that you have 'concourru' [concurred] with the Minister of War concerning deliveries

<sup>1</sup> Wilbur Photostats, No. 590, Library of Congress and University of Vermont.

which have been made. You will notice that the American General in question, and, to whom you will be presented, has immediate need of some papers to be used in a suit in London. You will notice also that he has received 100,000 florins in Batavian rescriptions of which half is still in his hands and which the Directory Executive desires to see returned. Public faith desires for the rest that this affair should end in a way in no way to compromise his safety in his own country.

I salute you in fraternity.

TALLEYRAND

The enclosure referred to follows:

*Without date [13 Fructidor, 6 year] (Aug. 30, 1798)*

*Statement*

In the month of Messidor of the fourth year, June 1796, or toward the end of the preceding month, M—— [Ira Allen] citizen of the United States of America, presented himself to the Directory Executive, and requested for an interview, if it were possible, with one of the members of the Directory who ordered an officer employed near him and speaking English, to interpret for this American to learn what was the object of which he wished to speak to the Directory, to gather information concerning this stranger and to receive from him any papers he could give.

The American had just left England. He had no introduction toward a French agent. This situation inspired at first in the Directory and the officer to whom the stranger had been sent, more reserve than confidence.

He obtained in consequence a cool reception and the Directory [Executive] appeared at first to refuse the particular propositions that M—— made to him.

After several days of inquiries, they learned that M—— was of a family, who, before the United States of America was free from England, had as much for love of liberty as for self-interest, fought the agents of England, had sought to found a republic on this part of the globe and had been banished by the English. This stranger had himself played an interesting rôle when in the first movements toward the Independence of his country and the war between the United States of America and his Britannic Majesty had started, he had, personally, assisted by his family, rendered the greatest services to his country both as a negotiator and a soldier. His stubbornness and conduct, as well as that of several colonists of the country, he inhabits, had not only held back the disastrous enterprises of the English near Lake Champlain and on the frontiers of Canada, but had detached the state of —— [Vermont] in spite of the influence of even Congress itself, from the [land] jobbing speculations and from the ambition of three of the neighboring states who wished to appropriate the territory and resell it to the profit of their principal leaders.



Independent of these claims to the esteem of the French, M——, known by M. Skipwith, Consul-General from the United States of America to Paris and by several Americans at this time in this capital, was the possessor of a passport in good form from the Governor Captain-General and Commander in Chief of the state of [Vermont] dated the 25 of October 1795 V.S. [old style] which represented M—— as a man of honor, of distinction, at the head of large affairs, having in this state large, extended land properties. This certificate, after detailing all the honorable and important positions occupied successively by M—— announced that he was at present First Major General of the militia (a) and one of the members of the corporation of the University of the state of [Vermont] for the establishment of which, his papers proved, he had made a gift of 4000 pounds sterling.

M—— exhibited besides a certificate from two justices of the peace from one of the counties of the state of —— which certified that M—— was possessor of more than 200,000 acres of land on which he had 7 mills for sawing wood, 3 forges or works for iron, an anchor manufacture and several large buildings & establishments.

To these two certificates M—— had joined an other no less interesting or less authentic. It was from the Governor of the state of ——, clothed like the first one, with his signature, that of the secretary and with the seals of the state. It contained a request which the Governor made to M—— to purchase from the French Republic arms for the service of the militia of said state.

(a) This militia, composed of all the citizens of the state —— from the age of 16 years to 45 years would be about 30,000 men.

It was in this remarkable document that it was stated that M—— *knew well Lower Canada etc.*

These documents were translated and placed before the Directory Executive [Carnot] who accorded his confidence to M—— and listened to his projects and propositions.

At the end of several days the Directory adopted a part of his projects and propositions.

Here is the agreement made by him after his conference with the Minister of Marine.

It was agreed that one or two vessels and four or five frigates with some transports of the French Republic carrying aboard a body of armed troops of 3 to 4000 men and more if possible, should present themselves about the third Fructidor, 5 year (Aug. 20, 1797 V.S.) before Halifax, seize the English merchant fleet which leaves Quebec each year for this port; seek to seize also this town by a coup-de-main and with the aid of communications which M—— shall command in the place.

If this coup-de-main succeeds, most of the 4000 men who have disembarked should at once most diligently as possible, proceed before Quebec where guides placed at convenient distances shall conduct them. Food and munitions shall likewise be disposed on the route by M——.

In case Halifax cannot be taken, the disembarkment of the 4000 men should be from one or several points and they ought all to proceed as direct as possible before Quebec.

The day when the fleet shall appear before Halifax, that is to say the 3 Fructidor, 5 year [Aug. 20, 1797] M—— at the head of troops secretly enrolled by him and which shall appear until this moment to belong to the state of —— and even a large part of the militia of this state, of which the principal officers shall second his plans, shall seize also by a coup-de-main, Fort St. John to the southeast of Montreal.

Secretly armed persons shall facilitate the entrance to the fort by becoming part of the raft of shipbuilding timber which M—— has leaving frequently from Lake Champlain for the River St. Lawrence and Quebec and stops at Fort St. John.

M—— should then profit by the first surprise to the English troops, which are of small number in Canada, to seize their forts on the St. Lawrence River and take Quebec. He is certain to raise part of the inhabitants (of French origin and inclination) and joined by them and by the French republicans from Halifax, it would appear certain to expel the English from Canada, from Labrador, from New Bretagne, from Nova Scotia and in a word from all their establishment from the east coast of North America.

The cry of liberty in these countries who wish it should be the signal of the establishment of a new republic under the name of New Columbia and the eyes of the French government being in advance on the frontiers which should be given to her on the south, can perceive the moment when it shall become necessary to remove the fear which the population always increasing in the United States of America, can give to Europe by uniting to New Columbia a part of the states on the left of the river of New York and the east of Lake Champlain.

These were the principal agreements of a plan of deliverance of Canada adopted by the Directory Executive at the same moment that the expedition commanded by General Hoche and by Admiral Morard de Galles went to try to free Ireland from England.

The French government felt however that M—— in spite of his powerful influence in the state of ——, in spite of his immense property and wealth could not alone furnish the funds necessary for an operation so large. A large amount of arms and money would be necessary.

Rich with the spoils of her enemies, the French Republic found in these spoils a new means to harm her enemies and the Directory Executive charged the Minister of War Petiet to sell to M—— 20,000 foreign guns with their bayonets which were scattered in the different arsenals of the departments of the North and the Lys, 24 pieces of bronze cannon of 4 pound balls, 6 effects each with all the requirements to the use of the cannon and 6 caissons; all of these arms to be delivered to M—— at Ostend before the 1 Fructidor 4 year. [Aug. 18, 1796.]

The bargain was closed with the Minister of War at Paris 23 Messidor, 4 year [July 11, 1796]. The price of the cannons, effects and caissons was about their real value, that of the guns was 20 livres per gun with the bayonet. It was stipulated that M—— should pay the sum due for the purchase of the arms at the end of seven years and the interest at 5 per cent until then. He pledged all his wealth, moveable and unmoveable, for security.

M—— represented that in the case of some English ship of war should stop the neutral vessel on which he proposed to ship his arms, the English commanders or those of their privateers could consider the arms as belonging to the French Republic unless it appeared by some act that M—— had paid a part of the price of these arms. The Directory Executive ordered the Minister of War to form with M—— the same day, two fictitious bills, one for the guns and bayonets, the other for the cannon, effects and caissons.

In the first it was stated that the French Republic sold to M—— 20,000 foreign guns with their bayonets, delivered with their cases to the port of Ostend before the first Fructidor, 4 year, [Aug. 18, 1796] for the price and sum of twenty five livres in legal money of France and that as stipulation and condition of the bargain, M—— had paid to the French Republic the sum of one hundred thousand livres in hard cash, promising payment of the rest in seven years with interest and surety as herein mentioned.

In the second bill it was said that the French Republic sold to M—— 24 pieces of cannon of bronze of 4 pound ball for 1000 livres per cannon, 6 effects and all necessary to the use of the cannon for 600 livres and 6 caissons for 600 livres and that M—— had paid to the French Republic the sum of 6240 livres promising payment of the rest as above mentioned.

The finances of the French Republic did not permit them to pay to M—— any considerable sums. The Directory Executive limited themselves to an order of the 28 Messidor [July 17] 1st That they should deliver to M—— a sum of two hundred thousand livres in specie, as a loan for which he shall make payment the 1 Thermidor, 12th year. [July 19, 1804].

2nd. That this sum shall be furnished in Batavian rescriptions of one hundred thousand florins payable half the first Vendemaire, 5 year [September 22, 1796] and the other half the same date of the following year. [Sept. 22, 1797].

3rd. That the sum herein mentioned shall be delivered by the Minister of Finances who shall receive it from the National Treasury on the order of the Minister of the Interior, to M—— whose acknowledgment on the bottom of the order of the Directory Executive shall engage him in the execution of the contents and promise of reimbursement at the end of eight years of two hundred thousand livres in specie, without interest.

It is useless to observe that M—— has still in his hands half of the Batavian bonds in question of which he cannot dispose without a great loss, and that the other half having been sold at a very in-



ferior rate than that calculated by the Minister of Finances, M—— hopes that the Directory will act at the time of reimbursement with the generosity the circumstances direct.

It has just been said that the arms sold to M—— should be delivered to him before the 1 Fructidor at Ostend; their delivery proved ten days late and two days after beginning to place them on board an American merchant vessel of 164 tonnage, named the Olive Branch, an embargo of 30 days was placed on all ships in Ostend and ports on this side on account of the expedition preparing then at Dunkergen, and it was forgotten to except the Olive Branch.

This embargo and the nature of the cargo of the ship, prompted six of their own (English) sailors to take possession of the long boat and sail for England. The government of that country disturbed by the cargo of arms, sent two frigate cruisers to Ostend and ordered all coast vessels to search and seize the Olive Branch.

This vessel not being large enough to hold all the arms sold by the French Republic to M—— carried only about 15,000 guns with their bayonets, 21 pieces of cannon and 3 effects when she set sail the 21 Brumaire, 5 year [Nov. 11, 1796] with M. on board.

The Olive Branch was about 80 leagues to the west of Sorlingue and sailing for New York when the English man of War 'Audacious' seized and took her to Portsmouth.

A suit which still exists was instituted by M—— for reclamation of arms on a neutral vessel. A judge of the English Admiralty with the idea that the arms were destined against England, either in Ireland or the Antilles or in Canada did not hesitate to condemn the cargo of the Olive Branch without one proof to support his conjectures, which is all the more astonishing that M—— had with him the day of the seizure only the duplicate of the fictitious bill of sale of the 23 Messidor, 4 year [July 11, 1796] between the Minister of War and himself.

The Court of Appeal finding that English law ordered them to deliver with bail, all cargos in litigation, reversed the judgement and delivered to M—— with bail, his arms which had been seized and now are en route for New York but the same court obliged M—— to come to France to obtain the proof that he had paid the French Republic the Sum of one hundred six thousand two hundred forty livres mentioned in the fictitious bills of sale of the 23 Messidor, 4 year. [July 11, 1796].

In this situation of affairs the Minister of Exterior Relations after taking measures with the National Treasury proposes to the Directory Executive to make the following order (see order A) by which means M—— proving the registering of the receipt which was fictitious, to Americans who would depose to have seen it, should be disengaged of the payment of a considerable bail which the animosity of the English would triumph in making him pay and obtain besides large damages and interests which should cost our enemies dear.

It rests with the Directory Executive to decide whether they wish

to renounce the Canadian projects which have been interrupted by the detention for two years of the Olive Branch and for which they have already made sacrifices.

The Directory Executive has also to fix the manner in which this affair ought to be reopened (if it should be) with M—— whose intentions in favor of France appear sincere and who has even offered his services to try to bring harmony between the French Republic and the United States of America.

Note. M—— asks, in reason of the difficult state of affairs between the French Republic and the United States, that the Directory Executive may give back to him all the papers relative to the project with Canada which they still have.

The following is supposed to be order A:

*Decisions of the Directory*

Plan of the order of the 13 Fructidor, 6 year [Aug. 30, 1798]

The Minister of Finances is charged to concert with the commissioners of the national treasury to register the fictitious receipt of the month of Messidor, 4th year, [July, 1796].

This register shall contain the following article:

'Today, 23 Messidor, [July 11], Mr. Ira Allen of Colchester in the State of Vermont, Major General of the Militia of said Vermont in the United States of America has paid for twenty thousand guns, seized property with their bayonets, twenty four pieces of bronze cannon of four pound ball, six affects with all necessary to the service of said cannon and six caissons; all to be delivered to said General Allen at the port of Ostend before the first Fructidor [August 18] of the present year, the sum of one hundred and six thousand two hundred and forty livres in gold which . . . shall be partial payment on their price . . . etc.'

*Minutes of the orders from the Directory*

Year 4, 24 Messidor [July 13, 1796] PARIS

Secret Affairs No. 224.

The Directory Executive orders the following:

(1)

A bill of sale shall be immediately passed between the Minister of War and Major General Ira Allen for twenty four cannons of four pound ball and their gun-carriages also for . . . caissons and all necessary to the service of same.

(2)

The price shall be fixed (in hard cash)  
per cannon  
per gun-carriage  
per caisson

<sup>1</sup> French National Archives, A.F. 111, 540.

(3)

General Ira Allen shall give in exchange for the order for the delivery of the cannons, gun-carriages and caissons mentioned in the first article, a receipt obliging him or his heirs, promising payment as stipulated in the second article within seven years from date of the bill of sale which shall be passed by the Minister of War.

(4)

Besides the above bill of sale, there shall be passed a second between the Minister of War and Major General Ira Allen, which shall be destined uniquely to deceive the enemies of France and prevent the cannons, gun-carriages and caissons which shall be delivered to General Allen, being seized by them at sea. In this second bill of sale, the price of said cannons, gun-carriages and caissons shall be figured at a price a fifth over the price fixed in the preceding one and it shall establish that General Allen has paid this fifth as a surety for the rest of the sum due and that these articles were purchased for the militia of the county of Vermont in the United States of America. This second bill of sale which shall be the only ostensible one is really nul, being only to the aim specified in the present article.

Signed.

CARNOT  
LE TOURNEUR  
P. BARRAS

PARIS, 24 *Messidor*, 4 year. [July 13, 1796.]

The Directory Executive orders the following:

(1)

The Minister of War is authorized to pass a bill of sale with Mr. Ira Allen, Major General of the State of Vermont in the United States of America and to deliver to him or his agents at Ostend to the sum of twenty thousand seized guns with their bayonets.

(2)

The price of the guns which shall be delivered to General Ira Allen in virtue of said bill of sale shall be fixed at twenty livres legal species, (hard cash) with bayonet, the value of which shall be four livres also in hard cash.

(3)

General Allen shall give in exchange for the order of the delivery of twenty thousand guns with their bayonets, a receipt obliging him and his heirs and promising payment as stipulated above in seven years from date of bill of sale which shall be passed by the Minister of War.



(4)

Besides this bill of sale above mentioned, there shall be passed a second between the Minister of War and Major General Ira Allen which shall be destined uniquely to deceive the enemies of France and to prevent the guns delivered to General Allen from being seized by them at sea. In this second bill of sale the price of each gun with bayonet shall be figured at twenty five livres and it shall be established that General Allen has paid one fifth of same, giving surety for the rest of the sum due and that these arms are purchased by him for the militia of the county of Vermont in the United States of America. This second bill, which shall be the only ostensible one shall be nul really, being to no other aim than that specified in the present article.

LE TOURNEUR  
CARNOT  
P. BARRAS <sup>1</sup>

*Decisions of the Directory*

Secret Affair No. 235.

PARIS, 28 Messidor, 4 year. [July 17, 1796.]

The Directorate Executive orders the following:

- 1st. The Minister of War shall give prompt orders to transport to Brest to the amount of fifty (sic.) thousand guns, seized property or old.
- 2nd. These guns shall be taken from the interior and put at the disposition of the General in Chief of the Armies of the Coasts of the Ocean.
- 3rd. Those which can be transported by water and by the Seine river, shall in this way be sent: From Paris to Havre, then from Havre to Vays and from there to Granville by land and from Granville to Brest by sea.
- 4th. This order being urgent, all delay is placed upon the responsibility of the Minister of War.

Signed. LE TOURNEUR  
CARNOT  
REUBELL <sup>2</sup>

This extraordinary document *was not filed until two years after Allen purchased the arms in 1796*. This circumstance makes it plainly evident that its statements could not be confirmed by any official French documents of 1796.

It is doubtful if the details of Allen's purchase of the arms were known except to Carnot and Clarke, who made the bargain. If this supposition is correct, one or both of them must have prepared the statement which Talleyrand sent to the

<sup>1</sup> *French National Archives, A.F., III, 387.*

<sup>2</sup> *Ibid., 388.*

Minister. Clarke was in Paris and Carnot in exile not farther away than Geneva. Both were friendly with Talleyrand, who, like them, was an enemy of Barras. It is true the sale and orders to ship the arms were signed by three other members of the Directory, but there is ample evidence in the French Archives that members signed papers presented to them by the President's secretary without reading or inquiring as to the contents. Allen's recent letters to the Directory and others prove that he had no knowledge of this statement.

Not only in his testimony before the British courts under oath, but in all of his letters to the Directory, to Skipwith and others, he stated that four fifths of the purchase price was still due the French Government. This was true, calling the purchase price the price stated in the contract that he carried when captured, which is the only contract that was ever discovered, though a thorough search was made by the British several years later, after peace was declared between France and England, and before a final decision by the Court of Appeals.

Allen, by this statement that four fifths of the purchase price was due, aroused the Directory to inquire when and to whom the one fifth of the purchase price had been paid. Barras and the other members of the Directory, who had exiled Carnot and just missed capturing him, were anxious to obtain evidence of Carnot's malfeasance in office, for Carnot had the reputation of being honest. They had felt his power and did not want him in Paris. As no record could be found in the Treasury Minister's office of any payment having been made by Allen, some statement had to be devised, *so the Canadian invasion was thought of*, possibly because Allen had informed them of the accusation made against him in England. The most careful search has failed to reveal any action taken by the Ministry to fit out and equip an expedition to Canada to fulfill their part of the supposed agreement. It is important to note that it was stated that Allen agreed to pay for the arms and pay back to France the face value of the Dutch rescriptions, although both were ostensibly given to him to help them recapture Canada from the British.

According to the statement, Allen offered to risk his life and the lives of those of the Vermont militia who engaged in the enterprise, and to guide and feed several thousand French

troops, which were to land at Halifax and march to Quebec, some five hundred miles, without reward either for himself or the militia.

Such a statement is less probable than to suppose that when Carnot learned Allen could pay two thousand pounds in British gold, equal at that time to a very large sum in French money, that he saw a chance to put himself in possession of the means to live out of France should it be necessary, as it was, the following year. He may have considered he was doing little or no injury to France to dispose of the arms on seven years' time, even if France never received any return, for the arms were useless to France and would rust and be worthless if not cared for, which it was impossible to do in France's financial condition. But why in addition give Allen the one hundred thousand florins of Dutch rescriptions? Here was a chance to get more than Carnot may have wanted for himself. There were others interested in the transaction, the Minister of Finance in charge of the rescriptions, the Minister of War who signed the contract, and members of the Directory. To induce Allen to accept and cash half of the rescriptions (the face value of which was fifty thousand florins, or about ten thousand dollars then, all of which he undoubtedly turned over to Carnot with the two thousand pounds in gold), they offered to allow him to retain fifty thousand florins. The fifty thousand which he cashed were due on September 22, 1796, only two months from the time they claimed to have given them to him. The fifty thousand which he kept, according to Talleyrand's letter of August 30, 1798, had become *due September 22, 1797*. He was requested to cash the first fifty thousand, although the statement claimed it was given to him to *help finance the movement in Canada to take place in 1797*. Had Allen retained fifty thousand florins and if he could have sold them at fifty per cent discount, he would have received about ten thousand dollars — equal to about the two thousand pounds gold he had given to them.

France had received millions of these rescriptions from the Republic of the United Provinces, the Batavian Government, when peace was agreed on with France, on May 16, 1795, only two months before Allen purchased his arms. The French Government could not realize on them. A law was passed the following year authorizing the Commissioners of the National



Treasury to dispose of them, if possible, before the second payment became due 'so long as they are not under fifty per cent.'<sup>1</sup> Neither payment was made when due by the Batavian Government and no record of their ever having been paid has been located.

The entire statement regarding the second bill of sale and the reason stated for giving Allen the arms and the one hundred thousand florins in Dutch rescriptions is improbable and evidently, in view of Allen's future treatment, not believed by Barras.

An American firm, Tupper & Co., in Paris, had a claim against the French Government contracted before the Barras régime. Allen wrote, six years after this event, that he had, after conferring with Talleyrand and the Minister of Finance, arranged to buy this claim <sup>2</sup> (most likely at a considerable discount, and probably at Talleyrand's suggestion) and use it to pay then the balance due on his arms. If Allen had seen Talleyrand's letter and the statement that accompanied it, with the Order A, there would have been no incentive for him to have purchased this claim, as he was to obtain just what he wanted at the Ministry, which was an opportunity to have witnesses see the record of the entry of his payment of 106,240 livres and make affidavit to it. The paper signed by Governor Chittenden and held by General Clarke had now undoubtedly been given to Allen.

There may be one other reason for the proposed purchase of this claim by Allen — that Talleyrand knew of it and told Allen he would arrange all for him if he would buy it and then surrender it to him. If Talleyrand had proposed this, it is more than likely that Allen would have told of it years after when he had nothing to gain or lose in exposing the French officials.

Barras's secret police under Fouché may have been spying on both Talleyrand and the Minister of Finance, as that was what they were engaged to do, for on the day, September 1, that Allen had arranged to close the business with the Minister (and it was so ardently desired by him that he could not sleep that night and was up in his room at 3 A.M. arranging all his papers<sup>3</sup> for the final settlement), seven officers came and ar-

<sup>1</sup> Duvergier, *Complete Collection of Secret Laws*, 1825, vol. 10, p. 32.

<sup>2</sup> Allen's *Narrative of the Transactions*, etc., p. 269.

<sup>3</sup> *Stevens Papers*, New York State Library, Wilbur Photostats, No. 616, Library of Congress and University of Vermont.

rested him. They claimed the arrest was occasioned by his not having gone to the Minister of Police as soon as he reached Paris to register and show his passport. They called in an armed guard of twelve men 'with fixed bayonets,' but did not intimidate him. He demanded that they place his papers in a box, seal it, call a coach, and take him to the Minister of Police. Two men accompanied him in the coach. When he arrived at the Minister's office, he was unable to see him, so he demanded paper and pen, which were supplied. He wrote the Minister:

My business to this place [Paris] was respecting a contract for 20,000 muskets purchased of this government in July 1796, for the use of the militia of Vermont. I was this day to have seen some persons respecting a *contract* to enable me to discharge a debt to this government which is not due in [for] five years. I was to have seen the Minister of Finance and General Clarke which makes it inconvenient as well as unpleasant to remain in this place.<sup>1</sup>

He would not have made a false statement to the police, so this note confirms his later statement that he had arranged for a full settlement.

The Minister disregarded his letter. In an hour Allen wrote to Talleyrand and, receiving no reply, at 2 P.M. he wrote the Minister of Police again. After waiting all day in a room with all sorts of criminals, he was given a trifling examination and sent to the Temple Prison (where Louis XVI and Marie Antoinette had been confined), with assurances that he would be sent for the next day for further examination. He was placed in a miserable room with prisoners who could not speak English. By bribing the keeper, he wrote and sent a letter to Skipwith informing him of his arrest. He told him that his examination at the office of the Minister of Police had been taken down in French, which an interpreter had read to him and requested him to sign, but he had refused until it should be translated into English, which they declined doing. He had then inquired if he might write out what the interpreter had said and sign that, but was not allowed to do this. They then had proposed to open his papers and read them in the presence of a number of people including guards. To this he had made a vigorous protest. He informed Skipwith that he saw his

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 608, Library of Congress and University of Vermont.

letter to the Minister on the desk unopened, but that his letter to Talleyrand had been forwarded. He closed with, 'I request that you see the Minister of Police and inform me as to these matters, for I assure you I arose yesterday with an intent to have made a full settlement with the French Government and to have soon returned to my family.'<sup>1</sup> Skipwith could only communicate through the Minister of Foreign Affairs, Talleyrand, but he wrote Allen that he was doing everything possible to secure his release.<sup>2</sup>

It was several days before Allen was sent for, and, although his further examination disclosed nothing, he was sent back to prison, where he was treated like a criminal; 'compelled to sleep in a dirty unhealthy place, twelve nights, before he could get a bed from the hotel.' His friends were not allowed to visit him and he was refused a physician when ill. His anguish of mind did not prevent him from writing to the Directory, Skipwith, Thomas Paine, his lawyers in London, Bird, Savage and Bird, and his wife; and every letter called for a bribe to insure its delivery.

Allen was examined before Citizen Martin, a justice of the peace, who issued the warrant for his arrest. He wrote Martin September 10, requesting an interview; as this was not granted on the 11th, he wrote informing him why he had come to France.<sup>3</sup>

In England, Allen's exposé of the judge of the High Court of Admiralty was having its effect. There were in London at this time commissioners under the Jay Treaty endeavoring to settle claims of British and American citizens, and many of the American claims were based on decisions in the Admiralty Court. One of the British Commissioners was Dr. Nicholl, Allen's lawyer; and one of the American members was Jonathan Trumbull, Jr. The American members considered Allen's exposé of the judge important. Trumbull, September 5, wrote to Rufus King, who was on his vacation: 'I have this moment . . . [been] informed that Sir James Marriott has this morning made a proposition to Government to quit his present situa-

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 610, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 603, *ibid.*

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 616, Library of Congress, University of Vermont.



tion on condition of certain terms.' Trumbull urged King to come to town at once and, with Ministers from other neutral powers, urge the British Government to accept the terms regardless of what they were. 'The moment is the more important from the strange temper of the man which may induce him, if there should be much hesitation on the part of Government, to fly from his proposed terms and resolve to die in his chair.' <sup>1</sup> King responded by going to London.

Allen had every reason to think that the following letter would secure his release, but he little understood the intrigues of the French Directory:

IN THE TEMPLE *Sept. 20, 1798*

SIR, Twenty days have elapsed since in this place without my being able to learn the reason which is the most astonishing thing I ever experienced, In consequence of what passed at the Minister's of Finance when you were with me, I had made a verbal contract to enable me to pay the balance to the Republic which would have been part of my business the day I was arrested; by completing payment expected a final settlement with government and as I expected my muskets &c were shipped for America agreeable to contract I meant to have proceeded there and seen them disposed of to the militia of Vermont &c. and have attended to my business which is of much consequence to me and could not be against the Republic of France. But my perseverance is locked in a prison, I cannot see my friends or family; this I assure you is unpleasant when conscious that no act of my life ever did or will operate against this government. Why am I thus detained when known to a number of the officers of Government and even to the Directory itself as also my business. It was announced from Gravelines under the authority of the Minister of the United States at London. My first application was to the Directory on my arrival in Paris I have nothing secret from them; my papers will justify the assertions which are in possession of the officers of Government. Your acquaintance with me, knowledge of my pursuits in life, reading the History of Vermont, Particulars of the capture of the Olive Branch &c will enable you to interfere with the Minister of Foreign Affairs &c in my favour and is what one gentleman ought to do for another. Various are the vicissitudes of this life but a firm mind can bear persecution for a time when persuaded it arises from some intrigue of his advisaries on the other side of the waters. Any attention you can give will be gratefully acknowledged.

TO GENERAL CLARKE <sup>2</sup>

<sup>1</sup> *King Letters*, New York Historical Society, vol. 43, p. 171.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 619, Library of Congress and University of Vermont.

This letter was read by the Minister of Police (as all of them were) before it was forwarded. It would have been effective with ordinary men, but this was a government of bribery, and money was the only appeal that moved them. In a short letter on the same day to the Minister of Police, he wrote that his imprisonment 'is the greatest misfortune of my life and will ruin my future prospects if long detained.'<sup>1</sup>

So many innocent people had been imprisoned in France that the Directory were forced to establish a Bureau Central to make investigations. Commissioners of the Bureau of Prisons at intervals went through the prisons and heard complaints. Allen was summoned before them, at their office on September 24.<sup>2</sup>

On October 2, his friend at Gravelines, Clede Ager, to whom all his letters from England were forwarded, addressed him to the Hotel Boston, not knowing that he was in prison. She enclosed a letter from Dr. Moseley, who was waiting at Dover for an answer. Allen did not receive this letter until November.

On October 2, he wrote to the Directory reciting the facts of the purchase of the arms and of his return to Paris for proofs. This letter agreed in every particular with all of his former statements. Receiving no reply, he wrote again on the 16th, marked 'Private':

If my detention is owing to an idea that I may be supposed to have, that a revolution in Ireland is not far distant which may pave the way for a change of Government in England, consequently that the Republic of France would make a just and equitable settlement of all controversies with the United States. This is not a new idea with me but I have never communicated it to the United States directly or indirectly though repeated opportunities have occurred, for if these measures were carried into effect I should be benefited thereby many ways, in particular it would pave the way for me to gain a favorite object for which I have contended fourteen years a ship canal from Lake Champlain to the St. Lawrence river and fulfill my predictions of 1796.

He then called their attention to the negotiations, successfully conducted by him in 1781. If they desired, he would remain near Paris, 'attend to the restoration of my health and the

<sup>1</sup> Wilbur Photostats, No. 620, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 780, *ibid*.

study of the French language till events might permit me to leave.' <sup>1</sup> In every way he endeavored to interest the Directory and obtain an interview.

On the same day he wrote to the President of the Legislature, 'Conseil des Anciens.' He was obliged to pay liberally for the delivery of these letters and experience taught him not to pay until the messenger returned with a signed receipt.<sup>2</sup>

On October 9, in a letter to Thomas Paine, he gave a description of his life in Vermont and the decided part the Allens had taken against New York many years before the Revolution. 'That in fact they with a few friends established a Republic. . . . as you have experienced the misfortune of a prison in bad health, you know how to feel for another in similar circumstances. I therefore request you to make me a visit.'<sup>3</sup> Paine was not in Paris at that time and could not respond to this appeal.

An urgent appeal to Skipwith, October 12,<sup>4</sup> requests a skillful physician, 'as he is ill with a pain in his back, kidneys, &c.' He again recited what he had accomplished in England and how difficult had been his departure from that country. This narrative must have been given to discredit any suspicion of his being an English spy. He begged Skipwith to send to him the interpreter who was present when he was arrested. The following day, he wrote that his mills and forges had been leased for only one year and some three hundred thousand acres of land in Vermont were subject to tax and no agent there who knew all of his holdings. To ascertain if a letter to his lawyers to London or to his wife would be forwarded, he wrote to the Minister of Police on October 22, but no answer was received.

A long letter to his wife, smuggled out of the prison and sent to London to be mailed, gives an intimate insight into his state of mind:

IN THE TEMPLE, PARIS, *October 25th, 1798*

MY DEAR FRIEND: It is unpleasant to write to you from a prison, but I have this consolation that it is occasioned by the acts of my countrymen and not mine. The Prison is a large stone building encircled by a high wall that contains about three acres of ground

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 626, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, Nos. 776-78, *ibid.*

<sup>3</sup> *Ibid.*, No. 622.

<sup>4</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 623, Library of Congress and University of Vermont.



on which is a grove of one hundred and twenty trees, which would make a pleasant walk was not the idea of a prison annexed to it.

He enclosed a copy of a letter he had written to Bird, Savage and Bird regarding the arms, that she would understand that transaction. He wrote that, if the suits with Catlin and others could not be continued, he would get a rehearing.

If Coit and Levi will give new bonds to the amount of ten thousand pounds to settle with me &c., have no objections to my counsel making new arrangements with them. It is to be remarked that, at the time of Heman's death on the 18th of May 1778, Continental money was depreciated to about six for one.

His bond on which Catlin was suing him was for thirty thousand pounds Continental money. He urged the necessity of paying taxes; gave from memory a list of the lands that he owned, but suggested different people who could supply the correct information.

Taxes to be paid on every foot of the towns of Alburg, Irasburg, Swanton, Highgate, the gore north of Highgate. Pay no deference to the proceedings of the creditors of S. T. [Stephen Thorn] I shall give that another turn, I never recd. one farthing of S. T. therefore pay the taxes. . . . In Barton about one third of the town. It is all in my name in the charter, be careful of that as Col. Barton has tried to injure me and put some settlers on the lands.

After giving a list of his lands in many towns, he wrote:

I own nearly all Colchester, in Burlington about two thirds. . . . As to mills, Iron foundries &c I can say nothing about them but expect to suffer great losses. I hope the next letter you receive from me will be dated in Boston or New York, Your affectionate friend, Ira Allen.<sup>1</sup>

He writes nothing of his condition or sufferings. It is a clear portrayal of his character. William P. Graham, brother of John A., brought suit against Allen in London on a debt of John Finch, Allen's nephew. Allen wrote his lawyer that it was unjust; Finch owed him a large sum of money and, if Finch had paid money to Mrs. Allen, it was to apply on the debt. One note Allen held against Finch was for seven hundred pounds. Finch had 'set up' a store in Boston in his own name. 'I therefore insist at any expense you continue that Cause till

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 629, Library of Congress and University of Vermont.

you gain s<sup>d</sup> proofs from Boston. It is not only paying six hundred pounds unjustly but it is paying to a junto that I detest the name of.' <sup>1</sup>

In the copy of the letter to Bird, Savage and Bird, which he enclosed to Mrs. Allen, he had instructed them, in case the court had discharged the bail and returned his arms to him, how they were to be shipped. After paying all his debts in England and sending three hundred pounds to Skipwith in Paris for him, the balance of the money was to be sent to Mrs. Allen. 'The remittances to Mrs. Allen to be in money, as I wish to give her as little trouble as possible.' <sup>2</sup>

His cheerfulness in adversity was soon to be severely tested. On the same day, October 25, he wrote a memorial to the Lords of Appeal, covering well the points of law raised in the suit. After reciting his detention, it proceeds 'he is persuaded that your Lordships will not consider him as more favored than the rest of his countrymen who appear to be on the verge of a war with France. The arms &c being delivered on bail [he thought they were in Vermont by this time], and distributed amongst the militia of Vermont are considerations.' <sup>3</sup> No point in an argument was ever overlooked by him. He sent this memorial to Thomas Erskine, Dr. Nicholl, and Robert Slade, all his counsel, informing them where they could get more proofs in America if this failed.<sup>4</sup> In his memorial he stated that, by securing a claim against France, he had arranged to pay France in full for the arms. He would not have dared to state this had it not been true. These letters he was obliged to send to the Minister of Police to give to Consul Skipwith. He wrote Skipwith, October 30, and requested him to inquire for them if not received.

On October 30, he wrote to the Directory of his early life and of his part in the American Revolution. The letter began:

It is unpleasant for any man to be necessitated to give details of the history of his life in justification of his conduct. But when life, liberty and property, the three governing principles of human nature, are exposed, self preservation the first law of nature, attachment to a rising family and the means of supporting them are con-

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 635, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 628, *ibid.*

<sup>3</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 633, *ibid.*

<sup>4</sup> Wilbur Photostats, No. 639, *ibid.*

siderations that will apologize for exertions, and have been detained in France more than five months without being able to learn the cause, confined in a prison in bad health, banished from society, necessitated to be my own physician are considerations that induce the following statements.<sup>1</sup>

It was a fine, frank statement, but it fell on hearts of stone; there was no money in it.

Some memoirs and predictions on past, present, and future times which he wrote at this time were seen by a French officer visiting the prison, who requested Allen to loan them to him, saying he wanted to show them to Talleyrand. Allen complied, but, when these and the 'History of Vermont' and his book on the Olive Branch were not returned, he wrote to the officer on November 19, requesting their return. He was very methodical, keeping a copy of every letter that he wrote; otherwise this part of the history of his life never could have been written. When filing the last-mentioned letter, he wrote upon it, 'A good memory is a good thing.'

Fearing that Bird and Company, the New York partners of the London banking firm, to whom the arms had been shipped, might not know how best to attend to the business, he wrote them, sending copies of his letters to London and informed them how to obtain the necessary depositions in the United States and to send four copies by different ships; how to dispose of the arms to the State of Vermont. He requested them to procure his 'History of Vermont' and the 'Particulars of the Olive Branch' and send them to Mrs. Allen.<sup>2</sup>

On November 2, Cleda Ager again wrote, forwarding him another letter from Dr. Moseley and a copy of the one she had sent October 2, which he had not yet received. She also informed him that she had twelve louis for him, given to her by Turlotte. 'He could have no further explanation than twelve louis [were all that were] left [out of the fifty Allen had given him] after his expenses.' She assured him no one in Gravelines except herself knew that he was in prison. His gratitude was the only compensation she herself desired or would accept.

But be sure that in any country you never [will] meet with more obliging friends [than we are]. Excuse the expressions, the good

<sup>1</sup> Wilbur Photostats, No. 642, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 1065, *ibid.*



relations I have and the education I received induce me to believe that you went through so many trials in the course of your life that some time you lay aside your fortune and titles and think that the true happiness is to meet with some worthy soul.<sup>1</sup>

Dr. Moseley's letter was dated from

DOVER CITY OF LONDON INN

*September 28, 1798*

I wrote you the 11th of July, which I find you received by your favour of the 3d of August. [Just before he left Gravelines.] The next morning July 12, I set out for Portsmouth with Gunsmiths & other workmen, to clean, repair and pack the arms for shipping, Which I completed the 15th Inst. and returned to London the 16th. On my arrival at London I was in great hopes of meeting you there; or, of gaining some fresh intelligence from you; but was disappointed.

As I have had the care and charge of your business . . . your friends advised me to come direct to Dover; and (if possible) send you word how [of] the present state of your business . . . We found the number of muskets when packed to be 14,703, 5,251 of which were shipped for New York in three American ships with all the cannon, carriages &c which sailed for America about the middle of August.

The remaining 9452 will be shipped in the course of this week & for the same port. therefore it is of great consequence that you sail for America soon; or send some friend immediately or write copiously and often & by different ways respecting them, to your friends, for fear your letters may miscarry as heretofore. For, you may be assured, that in case those arms are neglected & are suffered to remain long in a store, before they arrive in Vermont & are overhauled &c the damage they must receive, will be immense. A word to the wise is sufficient.

In August, the Captors, not only mov'd the Court but pushed and press'd hard to get the property condemn'd. And if Mr. Savage had not made an affidavit, that he had seen a copy of your memorial to the Directory of the French Republic (as Mr. Bird was then at Portsmouth) 'tis thought, they would have been condemn'd.

The Court, however, put the cause over till Nov. next, When, you may depend on the Captors making every exertion in their power to have the property condemn'd. And unless your requisite proofs arrive, previous to that time, the event is much to be feared.

Condemnation will be a loss of thousands over & above what they are appraised at. Restoration, will not only save the sum they are estimated at, viz £6278, but costs and damages &c. to a much greater amount. Therefore, in case any unforeseen events should procrastinate or positively prevent your return previous to the first of Nov. be prevailed with, to loose no time in procuring & transmit-

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 644, Library of Congress and University of Vermont.

ting the proofs that the court requires, that they may be here in time to enable your Proctor & Council, to, totally defeat your adversaries & clear your property from the hands of all your enemies. Delays are dangerous indeed especially in this case.

Messrs. Owen & Ayres are full of trouble about L[orime]rs affairs: As G[raha]m's will not be in time &c, Which circumstance they particularly press'd me to communicate. Other matters remain much as they were; except, that, Col. T[ath]am has turned to be a stiff-knees [that is the name given to Graham].

N.B. I shall remain at Dover & wait your answer, or have the pleasure of meeting you here &c.

2nd. P.S. October 25. I have this day receiv'd a fine [letter] from Mr. Buffington that your arms are all shipped & gone to America, I have wrote you often, but have received no answer, pray let me hear from you if possible.<sup>1</sup>

Moseley enclosed a statement rendered by Bird, Savage and Bird, from July 28 to September 15, for putting the arms in condition; it amounted to £408-9-4. The bills were itemized and long; 'Rags, oil, tow, nails and beer';<sup>2</sup> the latter, a frequent item. While these same workmen were drinking large quantities of beer at Allen's expense, he was unable many days to obtain food.

Could any physical torture compare with the mental torture and anxiety this letter must have caused him when helplessly confined in prison with no charge against him?

A new Minister of Police had been appointed, and, as a law had been passed granting foreigners in prison the privilege of having a guard take them about the city to attend to their business, Allen, on November 11,<sup>3</sup> wrote for this privilege, but no response came to his request. He wrote again on the 15th, 'My letters have nothing to do with politics or war — why am I thus held?' A letter to the Directory the same day informed them of the shipment of his arms to New York and of the need of his presence there, as he has only ninety days after they arrive to pay for them. 'I am surprised that my private letters both to England and America should be detained in the office of the Minister of Police. Why am I detained?'

The next day a long letter to Talleyrand<sup>4</sup> and a letter daily

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 620, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 585, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 649, *ibid.*

<sup>4</sup> Wilbur Photostats, No. 652, *ibid.*

to some one in power. This occupation may have been the means of sustaining his spirits to continue his fight for release. He often suffered for the want of food and spent the money friends sent him to pay the messengers who delivered his many letters.

Allen heard that Samuel Broome, of New York, the father-in-law of Joseph Fay, was in Paris. On November 22, he wrote Skipwith:

I know of no one in Paris that has so great a knowledge of my family as Samuel Broome Esq. of New York, he was acquainted with my deceased brother [Ethan], his son-in-law Col. Jos. Fay was my colleague in British negociations, I wish him, Messrs. T. Paine — Barlow and others might be enquired of and assure you that the more they enquire the better they will be satisfied. If you get the history [of Vermont] from Jesse Putnam Esq. you will see the statements in general terms. Your seeing Mr. Broome &c may be the means of their knowledge being communicated to the Directory if necessary. N.B. If one of Williams' History of Vermont can be found, it will be conclusive in most of the matters alluded to.<sup>1</sup>

On the same day he wrote to the Directory and sent a copy to Talleyrand.

In a letter to Skipwith, November 28, he enclosed a copy of his letter to the Directory and expressed the conviction that his detention was caused by a combination in England and the United States:

I was apprehensive of it before I left England (but in existing circumstances it would not do to refuse complying with the order of the Lords of Appeal) . . . Mr. G[raham] . . . went from London to Hamburg and had more money than he could have raised from his own resources. . . . If I could know the allegations and from whence they originated should soon find means to detect the falsehood. . . . I see nothing but that I must remain in prison till the Christian resurrection when it is said that all truth shall be brought to light. But I am for more decided measures. . . . I have too often risked my life for the liberties of my native country to be detained in a land of liberty by a misrepresentation, mistake or otherwise. . . . N.B. This place (Temple) swarms with spies and imigrants. Some may receive money from more than one of the Beligerent powers. Indeed their history will be like a book of surgery, many desperate cases and he that can support the most, gains a double price. Is it not strange that after abolishing (with great justice) the popish religion that

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 656, Library of Congress and University of Vermont.



purgatory should be retained with the C[ity] of L[ondon] on the T[hames]. Private except the Directory and their Ministers.<sup>1</sup>

While he was in prison 'he received a letter from a person of high rank and character in France [Carnot?], purporting that great intrigues were by some means operating against him, that his person was in danger, that he must take care of himself — but the part he had taken in the revolution of the United States, and in Vermont, if firmly supported, would put him above all the Directory could do, except detaining him for a time in prison.'<sup>2</sup> This was an act of friendship and much appreciated by Allen. Carnot was in banishment at the time, but had enough influence to get this letter to Allen in spite of the vigilance of his jailors. Allen burned it as soon as read. He had made friends by his conduct while at Gravelines, and the entire municipality signed a statement of facts, as given in previous pages, which Allen sent to the Minister of Police. Once a week an appeal and demand was sent to the Directory. A strong protest to the Minister of Police of December 7<sup>3</sup> obtained his release, which was dated December 9, 1798.

The release was announced to him by the keeper just at evening. There were two or three men in prison with him whom he suspected to be spies and not prisoners, and he felt that his release was not final, but to gain some advantage of him. He therefore spent some time in paying his small debts and saying good-bye until after nine o'clock, too late for any more orders to release prisoners that night. None could arrive before ten or eleven the following morning. He went at once to the Boston Hotel, and the next morning early, while passing down the street, he saw that he was being followed by two of the prisoners. After this had continued for a week, he spoke to them. They replied that they had just been released the day before. He never saw them again, but suspected that others took their places. He declined all invitations to dine out or to go in any unknown company. He walked alone and rarely called at any house. When questioned about his arrest, he was very careful to say it was a mistake and no fault of the French Government.<sup>4</sup>

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, Nos. 658, 659.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, p. 271.

<sup>3</sup> *Ibid.*, p. 279.

<sup>4</sup> *Ibid.*, p. 281.

At home other misfortunes were occurring. Moses and Lucinda Catlin, the latter a daughter of his brother Heman, who died in 1778, had obtained, on October 9, in the United States Court (sitting in Rutland and presided over by Oliver Ellsworth, Chief Justice of the United States Supreme Court) a judgment against him for \$46,847.80, and at once levied on three hundred and seventy-three acres of his land on which were located some of his mills.

Hull, to whom Allen had deeded several large tracts of land, evidently did not propose to let the Catlins attach any of it. He submitted to a lawyer in Boston copies of the evidence and decision and requested his opinion. The opinion is dated January 15, 1799, and seems to have been given by James Sullivan, an able lawyer residing in Boston. His opinion was that the Catlins had no right to sue Allen; Allen's contract with his brother Heman was a personal contract and the only action the estate was entitled to bring against Allen was one for damages and that must be brought by the administrator of the estate, who was Ira Allen. The opinion closed with, 'I have been the more careful in this matter, from an opinion of the character of the Judge before whom this cause was tried . . . and of that of the plaintiff's Counsel.'

Allen, on August 23, while in the Temple Prison, sent an address to the Legislature of Vermont, which would assemble in October. The following extract contains his offer:

That having received instructions from the Late Governor Chittenden to purchase Arms &c for the Militia of Vermont In 1795 I embarked for Europe completed a Contract for 20,000 Muskets with Bayonets 24 Brass field pieces &c Returning to New York the 19th day of Novr. 1796. About 100 leagues to the West of the Isles of Silly I was captured by an English Ship of War with the Arms &c aforesaid which have since been libeled & condemned in the High Court of Admiralty of Great Britain which Judgement has been Reversed by the Lords of Appeal & the Property ordered to be Delivered to me on Bail. I have contracted with Messrs Bird & Savage Merchants of London to enter Bail & Ship the Property to New York Reserving Sixty Days after its arrival there to pay the money to the amount of the appraisal & if the money was not paid in Sixty Days in Case I could Satisfy Messrs Robert Bird & Co of N. York that the money would be paid in Thirty Days next after s'd Sixty Days I still had the Right of Paying s'd Money with Costs arising and have the property redelivered to me to the End that the Militia of Vermont and Genl. Wolseys Division in the State of New York

might be amply supplied with Arms &c. The Property has since been appraised at £6278.12.<sup>2</sup> Stating a small part of the Value this with the Proceedings of the Lords of Appeal has the Appearance that the Government of Great Britain are disposed to do Justice. Should any Unforeseen Accident prevent my Seasonably Arriving in America, I have to Request that the Government the Military Men of Vermont and Genl. Woleys Division advance the Sum aforesaid which shall be Deducted from the True Value of the Property and they shall be supplied with Arms &c at their Current Value

I have the Pleasure to add that under Existing Circumstances I am fully convinced that Peace Harmony and a Good Understanding may be Restored between the Republics of France & the United States on Principles Honourable and Interesting. Indeed it doth not Appear so Difficult to Accomplish as it was to Settle a Truce with the British in Canada in Behalf of Vermont in 1781. I hope that the Government of the United States in their Wisdom will Appoint and Commission such Person or Persons as may be Most Liking to Accomplish an object so Interesting to all the citizens of the United States.<sup>1</sup>

He also wrote to a friend in Vermont on the same day a letter which concluded as follows:

They [the Legislators, mostly new men] will see [referring to the copy of his History of Vermont and Particulars of the capture of the ship Olive Branch which he had sent to them] the spirited part I have taken to arm the militia, defend the honor and interest of the Citizens of Vermont; and see that perfect justice will be done me at the ensuing session of the Legislature.<sup>2</sup>

And now must be recorded a blot upon the name of Vermont. The treatment accorded one of her own greatest men and finest citizens, was far more cruel than the wrongs he received in France or England. The Legislature of Vermont met at Vergennes on October 11, 1798. Isaac Tichenor was elected Governor. Among the members of the Legislature were Silas Hathaway and his lawyer William C. Harrington, a Federalist representing Burlington, Daniel Chipman from Middlebury and Jon<sup>hn</sup> Robinson from Bennington, all avowed enemies of Ira Allen. Instead of reading Ira Allen's address to the Legislature, Tichenor delivered an address, from which the following is quoted:

The return of Mr. Gerry, the last of our insulted messengers of peace, although without affecting the salutary object of their mis-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 597, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 598.



sion, must be considered, by every discerning man, as a fortunate event: An event, which must confound the advocates for French amity, dissolve the last ligaments which bind us to that aspiring, perfidious nation and convince the most obdurately incredulous, that friendly and sincere proffers of amicable accommodation, can have no avail with men, whose ambition is gain, and whose policy is plunder, The prolongation of a treaty, the manifest object of which was to delude us, with the prospect of adjustment and indemnification for our losses, while the most flagrant injuries to our trade, and insults to our neutral rights, were professedly continued could not be desirable.

As a respectable member of the union, it behoves us at this momentous period, when the Sovereignty of our nation is threatened, to express in the most decided manner, by our official acts, our confidence in, and adherence to our national government, and to convince France, that, notwithstanding the liberal efforts of some deluded and designing men among us, we are not a *divided people*; and that she may no longer presume upon that intestine division of political sentiments, which has so long invited her insults, and to which so many European Republics have fallen a sacrifice.

The instructions of our federal executive to our Envoys to France, are strongly marked with candor, and breath the purest desires for peace; while the diplomatic interference of our Envoys, indisputably evidence the rectitude of our national conduct. While, on the other hand, the conduct of the French Directory displays a series of diplomatic subterfuge, and insidious attempts to seduce the affections of our unwary citizens, and inflame the passions of bad men against the administration of our general government; and instead of meeting our demands for redress, upon the fair field of discussion, they haughtily demand of us large sums of money, for the *beggarly* liberty of uttering our complaints. May we not congratulate ourselves, that a period is put to this deceptive and degrading negociation.

America must now, under God, look to her own resources, and the valour and patriotism of her own citizens, for that justice, which she has in vain sought from French *uprightness*, or French *friendship*.<sup>1</sup>

This address was replied to by the committee appointed for that purpose and made a part of the record. The following is an extract:

We view, with indignation and concern, the depredations committed by the French on our Commerce; [not a word as to England's treatment of their fellow citizen Ira Allen] . . . But Sir, the veil is removed — Let us adopt an old motto, — Liberty or Death! The French Nation, oppressed by their leaders . . . their object conquest, and their policy plunder, are unqualified for negociation; and may we only speak to them with the mouths of our cannon.<sup>2</sup>

Unfortunately they had no cannon. Allen had induced the

<sup>1</sup> *Vermont State Journal*, 1798, p. 12.

<sup>2</sup> *Ibid.*, 1787, p. 74

French to supply Vermont with twenty-four and they were then in New York.

An address to the President of the United States, John Adams, prepared by Harrington, in which France was scored and the President assured that Vermont was not a divided people but all Federalists, was adopted by a vote of one hundred and twenty-three for, to twenty-three against it. This was the only time, in the history of Vermont, that the Governor or Legislature ever referred to France. Petty feeling of some of the leading men ran high. When Samuel B. Sheldon petitioned for a new trial on a judgment obtained against him by Ira Allen's attorney in September, 1796, for £184-7-6 on a simple note given in 1794, the Legislature at once granted it. But the greatest injustice was now to be enacted.

General Cogswell, a friend of Allen's, had been advised that the arms were in New York. If he could obtain an appropriation, he would go there and purchase them.

A Petition of General Cogswell and others, officers in the militia, was [on October 15] presented and read, stating. That many of the soldiers under their command, are wholly unarmed, and that most of the arms which are preserved are in a ruinous and unrepaired state, unsizeable and wholly unfit for the field. That arms are not imported into this State for sale, nor are they here manufactured to supply the deficiency, although in other and adjacent States, as we are informed, the militia are better supplied, and the several governments are manufacturing or purchasing arms to replenish their arsenals, yet, unless in some solitary instance the soldier cannot even there be supplied: and to [fine] the soldier for his want of arms under these circumstances, is unavailing and discouraging to military ambition. That they conceive it impossible without the use of arms, to discipline the troops; and unarmed in the field, and without discipline, the bravest soldier meets the surest death.—That they consider the militia to be the primary, permanent, and constitutional defence of the state, and without which the liberty and independence of a free government cannot long exist: That at a time, when our independence is threatened by a foreign power, whose rule of justice is the dagger, and whose declaration of war is a secret expedition, they feel with increased sensibility, the least unpreparedness for a combat in the field.

That under these circumstances they appeal to the sovereignty of the state, praying that the Legislature will provide more effectually for arming and equipping the militia of this state, and pledging themselves to meet with pleasure, as citizens, their respective proportions of the necessary expences, which may thereby accrue.

On motion, Resolved, that the Governor and Council be requested

to meet this house in grand committee, at the opening of the house tomorrow morning, to take under consideration the foregoing petition.

*Tuesday, 16th October*

His Excellency the Governor and Council, and the House of Representatives agreeable to the concurrent resolutions of both branches, met in grand committee, for the purpose of taking under consideration the petition of General Cogswell and others, officers of the militia of this state, praying that provision may be made at the expence of this state, for arming and equipping the soldiery thereof.

His Excellency in the chair.

RICHARD WHITNEY, *Clerk.*

The said petition being read and considered:

Whereupon, on motion,

Resolved, That this committee do recommend to the General Assembly, to take some measures to supply the militia of this state with arms.<sup>1</sup>

A committee consisting of two members from each county was appointed 'to examine into the probable state of the arms, and the deficiencies thereof.' October 29, eighteen days later, they reported 'That a sum, not exceeding twenty thousand dollars be raised for the purpose of purchasing arms for the militia of this state; that the arms so purchased, be exposed for sale at the prime cost, to soldiers who are obliged to do actual service.'<sup>2</sup> The report was read and accepted and a bill ordered prepared, but when the bill was brought in, the following day, it was dismissed.<sup>3</sup>

At this moment 5251 of Allen's arms and cannon were in New York, and the balance would soon be there. They were worth at least eight dollars per musket, which gave the 14,703 a value of \$117,000, to say nothing of the cannon worth at least \$12,000 more. Yet the Legislature of the State that Ira Allen had created would not advance some thirty or forty thousand dollars for a short time until General Cogswell could sell the arms to the men and refund the money to the State. They adjourned November 8, having done nothing to help the founder of their State who, on that day, was in a loathsome prison in France, ill and hungry. The majority of the Legislature were new men in Vermont led by Isaac Tichenor and others.

<sup>1</sup> *Vermont Journal*, 1798, pp. 37, 39.

<sup>2</sup> *Ibid.*, p. 162.

<sup>3</sup> *Ibid.*, p. 181.



If the Legislature had taken these arms, that body would have proved all of Allen's statements that they were purchased for the militia of Vermont; and the British Court of Appeals would have had no other course than to have awarded them to him, with heavy damages and costs. The non-acceptance, when they had the opportunity to take the arms at their own price, naturally confirmed Graham's statements to the Duke of Portland and discredited Allen with every one. It may safely be stated that, had they taken the proper action at no monetary risk to the State, they would have saved to Ira Allen and his family from two to five hundred thousand dollars. If the muskets and cannon had been sold for no more than one hundred thousand dollars, and no damages had been awarded, the sale would at this time have netted Allen some fifty thousand dollars, which would have paid Hull and all of his pressing creditors and thus saved his large landed property.

The first information that Allen's family had of conditions in London was from a letter received from Nathaniel Chipman, dated November 10, to General Enos. He wrote that the enclosed letter from Timothy Pickering, dated Trenton, October 8, was received by him two days before, on his return from the Legislature at Vergennes. Pickering's letter reported that he had received a letter, dated August 3, from Rufus King containing the following:

General Allen's arms are, as I am informed, to be sent to New York. They are ill assorted and not in a good condition. It is nearly three months since the General went to France . . . [he] has been detained in Gravelines guarded by a soldier to whom he is obliged to pay 30 sous a day for guarding him. As yet he has done nothing nor does he seem likely to do any thing, as he is neither permitted to go to Paris, nor to leave France.<sup>1</sup>

King's statement of the condition of Allen's arms, made with no intention of injuring their sale, was yet most unfortunate; for through Nathaniel Chipman, it would reach Tichenor and other Federalists, who would not hesitate to repeat it to prospective buyers either in Vermont or New York.

Mrs. Allen was doing her utmost to defend the many law-suits brought against her husband.<sup>2</sup> Silas Hathaway and Levi

<sup>1</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 631.

<sup>2</sup> Wilbur Photostats, No. 670.

Allen gave a bond of three thousand dollars December 5, as surety to the sheriff of Burlington for giving Coit and King the liberty of the jail, etc. Suit was brought against them to recover the amount of the bond, as the prisoners escaped. It was a St. Albans matter.<sup>1</sup>

Graham was keeping the English Ministers excited during this time. In a letter, dated November 3, to King, British Under-Secretary, he wrote:

I have read a letter which was interrupted going to an American in *Paris* [meaning Ira Allen] from a person in *Vermont*, by which I find Major *Lee* (Aide de Camp to General Clark) <sup>2</sup> and Joseph *Keeler*, both of the county of Rutland, have gone for Upper Canada, pretending to speculate in lands. These persons were sent by the *Democratic Society* (of which Col. *Lyon* is the head) and paid by them, to do what they can in the cause of Jacobinism &c.<sup>3</sup>

The British were alarmed, and on December 10, the Duke of Portland, in a secret letter, enclosed copies of Graham's letter to President Russell, Brigadier-General Murray at Cape Breton, and General Prescott.

The information I send you enclosed, I received from Mr. Graham who holds a commission of Lieutenant Colonel in the service of the United States of America, and who was formerly employed by Governor Chittenden, in the capacity of Aide-de-Camp and Secretary — you will possibly recollect other circumstances respecting him, by my reminding you of a claim he made, in General Simcoe's Administration, to a grant of land in Upper Canada — It is necessary that I should observe to you that, whatever may have been the nature of his former situation and proceedings, he certainly gave this government very early notice of the actual destination and object of the Ship Olive Branch in consequence of which she was afterwards captured.<sup>4</sup>

This is further positive proof of Graham's treachery. He had misrepresented himself to the British Government. He used fraudulently the title of lieutenant-colonel in Vermont which he obtained by being on the Governor's staff a short time, and was never in the service of the United States. The British officers all over Canada spent much time investigating this last false statement of Graham's and never found the least shred of evidence to confirm it.

<sup>1</sup> Wilbur Photostats, No. 668.

<sup>3</sup> *Canadian Archives*, Q-285, p. 410.

<sup>2</sup> George Rogers Clark.

<sup>4</sup> *Ibid.*, pp. 408-10.

The condition of Allen's affairs in London was conveyed to him by a letter from Dr. Moseley dated London December 10:

I wrote you the 28, September, from Dover, in which I stated the condition of your business at the time. As I have received no answer and your affairs still verging to a more serious and dismal state. It is requisite that you should be apprised of the real state of your business, that you may be convinced, that no time is to be lost.

Olive Branch. In this cause the Captors in August last, moved the Lords to affirm the sentence of the Court of Admiralty, by reason that the Allegation was not reformed agreeably, to the orders of the Lords on the, 31, March 1798. And this motion being opposed by your counsel, on account of your absence in France, endeavouring to procure evidence of the facts stated in the Allegation. The Lords therefore gave further time. On the 24, November, 1798, the captors again renewed the motion, which being likewise opposed. The Lords granted still further time, to their first sitting after Christmas. But it is expected, that they will then proceed to sentence of condemnation unless the allegation is by that time reformed. It is therefore essential that you should give the necessary information to enable your counsel to reform the allegation before that time. Your counsel say, that they ought to give it in before Christmas.

Lorimer's Cause. In this action, [against Allen] the plaintiff obtained judgment a long time ago. A writ of error has been brought and prosecuted at a considerable expense. And in the early part of January next, if the debt and cost are not paid, the bail [Isaac Scott and other friends he had made in his short stay in England] will be, inevitably obliged to pay them.

Your cause, against John A. Graham, is at issue, but your Attorney, Mr. Barrow, cannot proceed, to trial for want of evidence to oppose the defence set up, viz. money advanced to Mrs. Allen.

The Graham's Cause for money advanced to Mrs. Allen, [Finch matter] Mr. Naylor has had put over to January term, and Mr. Barrow cannot proceed in the cause of the protested bill; [Drawn on Graham for money he owed Allen] until the cause with Mr. Naylor is tried.

As to the arms, cannon, carriages &c. I had the care of cleaning, repairing and packing them for shipping. There was, 14,703, muskets in the whole, and 5,251 of them, with all the cannon, carriages &c were shipped and sailed for New York last August. And I have the satisfaction to inform you, that we have received the agreeable intelligence of their safe arrival there. The remaining 9452 Muskets, were shipped early in October, but did not sail till the 21, November, being detained by Contrary winds.

From the above [description] of your affairs here, you will readily conclude that your early return, is absolutely necessary. Your interest and that of your friends requires and even demands your most pointed attention. The situation of those friends who came forward to assist, must soon and very soon, inevitably be distressed. Major



Eyre, in particular. I was at Dover above two Months, endeavouring to gain intelligence from you. Your friends by their united exertions have hitherto kept your causes along, tho' with great difficulty and much expense: But cannot prevent decisions in January 1799, unless you produce the evidence required.

Your counsellors and friends here, are surpris'd at not hearing from you since the third of last August. They think you could have written and sent the two documents you went for, even if the report (which lately came here that you are in the Temple prison at Paris) is founded in truth; which has gained some credit; because of the detention you met with at Gravelines.

Finally, your interest and the anxiety of your friends demand direct news from you before Christmas.

Hoping your health and freedom, I remain in expectation of seeing or hearing from you by the first conveyance, Dear Sir &c.<sup>1</sup>

This letter was received by him the day before Christmas.

Allen was obliged to borrow small sums of money at very high rates from time to time for his living expenses. He spent his Christmas at the Hotel Boston and was obliged on that day to obtain a loan. He occupied himself writing to London and to Bird and Company, New York, respecting his arms. These letters were sent to one Joseph Fenwick, who acknowledged their receipt December 27, and assured him they would be forwarded on the first occasion —

but when that will be I cannot foresee, as there is not now one American vessel free in our port, or any one of any other nation bound to the U.S. and unless the commercial intercourse is again opened, I do not foresee when or what occasions we shall have from this. [Bordeaux]. Many occur from the Spanish ports on the Bay of Biscay whither the American traders now flock to coöperate with the french merchants. Your orders and commands shall always be received with pleasure and executed as opportunity offers. I have the honor to be &c.<sup>2</sup>

It is needless to write that Allen exerted himself early and late to close his business, but all his efforts were in vain and his hopes were dashed when, on December 30, he was again arrested. He was examined and sent to Pelagée Prison. He wrote the Minister on that day, complaining that the answers to his questions were put down very briefly, in a language which he did not understand, and gave an account of his experiences from the day his arms were captured. In it he re-

<sup>1</sup> Wilbur Photostats, No. 666, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 672, *ibid*.

ported that, after he was released from the Temple, he found a man who knew the members of the Directory and he arranged an interview for him with one of them on the 22d. 'While I was waiting an answer from the President [Barras] of the Directory, in consequence of the interview aforesaid, I was arrested.'<sup>1</sup>

In this prison his sufferings were almost unbearable. There again, not until he bribed the keepers was he allowed a bed. For two weeks in the coldest weather he slept in an unheated room on a bed of straw on the floor, the only covering being a dirty blanket. A strong physique from a life spent in the open for many years helped him to survive the ordeal.

On the books of the police department in Paris is this entry, which throws no light whatever on the cause of his arrest:

Nivose 11, [December 31, 1798] Minister of Police announces that he has again arrested the Anglo-American Ira Allen. He transmits four documents written in English that this individual asks to be sent at once and exclusively to Directory Executive. No. 3290. Answer by the Directory to the Minister of Police (him only) to translate these documents and annex them to the others. Nivose 11. sig. Lagarde. Other documents of the Nivose 18 [Jan. 7-1799] to join others of this affair. Sig. R. LEPEAUX.<sup>2</sup>

Thus ended the year 1798, the saddest year of Ira Allen's life.

<sup>1</sup> Wilbur Photostats, No. 673, Library of Congress and University of Vermont.

<sup>2</sup> *National French Archives*, A.F. 111, No. 99.

## CHAPTER XXVII

### THE FRENCH PRISON AND STRUGGLE FOR RELEASE

1799

IRA ALLEN began the new year by sending to the Minister of Police, Minister of Foreign Affairs, Minister of Finance, and to the Bureau Central, an account of a humorous incident that occurred at a dinner which he attended in London. If the French at that time had appreciated humor, they would have released a man who could indulge in it under such distressing circumstances.

The Duke of York, with over twenty thousand English and Dutch troops, was defeated by the French in their effort to capture Dunkirk in 1793. The Duke and his army retreated so rapidly that the French captured large quantities of stores and implements of war, including the English muskets purchased by Allen of the French three years previously.

The anecdote was enclosed to the Ministers — under seal without one other word written.

An anecdote of Major-General Ira Allen of Vermont, United States, late a prisoner in the Temple, now a prisoner in the Pelag  e prison, Paris, January 1st, 1799, without any allegation against him or reason given in either case, after being taken on his way to the United States with a cargo of arms, field pieces &c., purchased of the Republic of France for the use of the militia of Vermont and carried into England.

He was invited to dine with Mr. Bowerbank, Monkhouse & Co. in London, when he observed that the company consisted of Englishmen. After the cloth was removed the General spoke in favour of the English manufactories in preference to any in Europe to supply the United States. Mr. Bowerbank wished to know why, he, the General went to France to purchase arms if he estimated the English manufactories so high? The General replied that single contracts that would not require to be renewed, might for convenience be made in any country. Mr. Bowerbank continued the question, the General observed that his conduct was consistent with the opinion he had given of English manufactories, for he had established mercantile connections in London, Leeds, Manchester, Liverpool &c., but none on the Continent. Mr. Bowerbank urged the question the third time, when the General replied that he had good reasons for purchasing arms in France not inconsistent with his opinion of the English



manufactories and as the Company seemed desirous to know them they must excuse him for he should give them without reserve. In the first place he supposed Mr. Bowerbank as a mercantile man, would allow every man to make his purchases where he could do it to the best advantage. Conceded to. The General then observed that he supposed that he would also concede that his Grace the Duke of York was supplied with as good arms as could be made in England. That the French Republic bought them so cheap of His Grace (near Ostend) that they could afford to sell them one third cheaper than the first cost and give seven years credit at five per cent interest for four fifths of the purchase money.<sup>1</sup>

In this way, he endeavored to bring his situation to the attention of the Ministers.

Early in the year the office of Consul-General of the United States was abolished and Skipwith was ordered to turn over his papers to an agent appointed to receive them.<sup>2</sup> This would leave the United States without a representative in Paris, but it was several months before this situation developed.

Allen wrote many letters during the eight months of this year, 1799, while confined in Pelag e Prison, Cell No. 18, 3d Corridor of the old building, which was so crowded at this time that no liberties were allowed for exercise. He decided now to use again the method he employed in his early struggles to establish the State of Vermont — namely, to publish broadsides and pamphlets and distribute them among the people. On January 10, he wrote Joel Barlow, requesting him to have five hundred copies printed, in French and English, of his letters of November 15, 22, and 28 to the Directory and those of December 7 and 30 to the Minister of Police,

for the information of the government of this Republic. . . . This is a notion I make on the most deliberate consideration and hope no time will be lost. . . . I will give a bill on my agents in New York Robert Bird & Co. to pay the expense. . . . You will recollect that about the middle of December I spoke to you on the subject of [your] being President of the University of Vermont, after which I wrote you on the subject . . . wish to be informed if you received the letter.<sup>3</sup>

Barlow replied by bearer and warned him that to publish those letters might cause his death. Allen's reply to Barlow, which follows, is characteristic:

<sup>1</sup> Wilbur Photostats, No. 1003, Library of Congress and University of Vermont.

<sup>2</sup> Department of State, Secretary's Office, vol. 10, p. 338.

<sup>3</sup> Wilbur Photostats, No. 682, Library of Congress and University of Vermont.

January 10, 1799

I have yours of this date to which I answer that in existing circumstances I have nothing to fear; Death is only a lasting sleep, the lot of human nature, and why shall we fear it at middle age more than after experiencing years in pain and misery. I have a soul too big for a filthy solitary prison. I therefore enclose from (memory) the copy of another letter to the Directory for publication . . . to show to Government that I have asserted my rights as an independent man. That I have at all periods of my life dared to stand forth in the cause of Liberty the gift of the Beneficent Creator and do not tamely resign my liberty. It is too precious a gift to trifle with. I wish to pay every respect to the Government of the Country I am in and think that the statements I have made are such as will justify my conduct and give satisfaction to the Directory when seen together in print as by detailed parts, multiplicity of business &c may have been misunderstood, But when published as I have it, will carry conviction with it to those who have time to read it and I shall cheerfully wait the event.<sup>1</sup>

N.B. The preceding letter is agreeable to the feelings of a man of spirit and sensibility that has spent the best part of his life in the cause of liberty. . . . For a number of nights locked in a cold room with a dirty bed one old blanket and from the fortune he possessed in his native country necessitated to send a Gold watch to a pawn broker for which eleven crowns [about \$13.50] have been realized and three remaining on hand.

He held the letter until the 12th, in order, as he wrote, 'to be deliberate in my proceedings.' Barlow evidently did not want to be involved in the publication which the Directory might resent, for he did not act in the matter, possibly feeling that the proper time had not arrived.

On January 14, Allen wrote to the Minister of Police, stating that France was dishonoring herself by giving him permission to obtain his evidence, and then arresting him before this was accomplished. It 'is playing with the faith of government pledged in regular licenses . . . and requires immediate redress.'<sup>2</sup> He was becoming bolder and decided to force some recognition. Two days after, he wrote the keeper of the prison, again requesting that 'Citizen Quiney, of infamous character and conduct,' be excluded from his room or that he be given a room to himself 'where I can amuse myself by writing memoirs of my life without disturbances, noise, &c.'

<sup>1</sup> Wilbur Photostats, No. 683, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 684, *ibid*.

*To the Minister of Foreign Affairs of the Republic of France*

*January 15, 1799*

CITIZEN:

I enclose to you the copy of my letter to the Minister of Police of the 14th inst. and assure you that I have written on the subject of my detention till I cannot add anything new. I requested a friend to print my letters to the Directory of the 15th., 22d., and 28th of November and my letters of the 7th and 30th of December to the Minister of Police that the directory and ministers might see my statements together, as by detached parts they might be misunderstood but I find that my friends are so alarmed at my being a second time arrested that they dare not so much as send me a single crown as they cannot learn the cause of my detention and I declare it is not in my power to give the reason. But find my health impaired and am confident that thirty thousand guineas would not put my property in so good circumstances as it would have been if I had not been detained in France since the 20th of May last and this is not my greatest affliction. I have expended the last crown I obtained on my watch at a pawn brokers and cannot think of existing in a prison on the regular rations thereof. I must entreat particularly, informing the Directory of my situation for without their order I may be lost to family and society without ever being able to learn the cause. But I think my exertion in the cause of liberty entitles me to a better fate and am positive that could I have the cause of my detention, alligations and accusers before me (if any there be) I could detect the falsehood, satisfy the government and justify every part of my conduct and feel it an extreme hardship to be thus detained. In [all well regulated] <sup>1</sup> governments the accused and accusers are brought face to face as St. Paul was when Ceasar reigned at Rome.

I am etc.

Ira Allen.<sup>2</sup>

*Note.* Ira Allen to the Minister of Foreign Affairs and Fulwar Skipwith. Pelagée, Jan. 15th 1799.

N.B. The following was added as a note and a copy of the proceeding sent with it to Fulwar Skipwith: 'I feel as though I had written this subject out and that I should submit it to my friends to manage, but assure them that nothing would give me more pleasure than to have their answers (if any there be) for they shall stand before truth, justice and a ——. As to prison fare I shall never eat it if I must die in this.'

He wrote to the interpreter (who had accompanied him at his interview with a member of the Directory on December 22), when sending him a letter for the Directory on the 19th, 'I shall write very little more, let what will be the event. . . . I

<sup>1</sup> Left out of his original letter.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 687, Library of Congress and University of Vermont.



feel myself oppressed beyond everything I ever had an idea of in a free government.' <sup>1</sup>

They could imprison his body, but not his mind or his vision. On the same day, he wrote a confidential letter to the Minister of Foreign Affairs enclosing a memorandum he had prepared on the importance to France of building and controlling the Suez Canal. All attempts to make the canal navigable had failed, as the sand-storms filled it full of sand as fast as it was excavated. He described a plan of construction that would insure its being open at all times and set forth the advantages that would accrue to the nation that built it.<sup>2</sup> The French did build the canal seventy years later, but lost control of it to England which has profited by it as predicted by Ira Allen in 1799.

In another paper sent to the Minister he suggested a treaty with the United States, which 'possess a territory sufficiently fertile and extensive for a population of one hundred million inhabitants.' He suggested allowing other nations to join in the agreement, limiting the number of battleships '(one ship of the line and three Frigates to every million of inhabitants)' and also limiting the land forces. He suggested that in case any nation became aggressive, all the other nations were to seize that nation's ships and close their ports against them.<sup>3</sup>

Thus he occupied his mind while in prison, giving an outline of a canal and a league of nations, foresights of two important events then reserved for the future.

At this time he suffered extremely from cold and lack of food, and in a pathetic letter describes his condition:

PELAGÉE PRISON *January 22, 1799*

FULWAR SKIPWITH.

... It now becomes a serious question from what source I am to be supplied with expense money. ... I possess one of the first properties in the Northern States; besides there is a letter with my papers informing of ten luis being in the hands of Madam Ager of Gravelines subject to my order ... what measures can be taken by any of these ways to raise money for present subsistence and to discharge what I have borrowed and some debts contracted at the Temple and Boston Hotel, must submit to you and my friends to point out and assure you I shall not be difficult as to sacrifices sufficient for these purposes

<sup>1</sup> Wilbur Photostats, No. 688, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 689, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 698, *ibid.*

and the attending expenses. . . . I feel as though I had written for the last time. . . . I am in a prison much worse than the Temple where no credit is given by the jailor, with a few shillings only in my pocket. . . . I can say no more.<sup>1</sup>

In another letter on the same day, to Skipwith, he proposed that he obtain his release on parole for one day in Paris with a guard or that they send some person to him who might negotiate a loan on land or sell some land, and requested him to obtain the map and statements regarding his lands from the Minister of Police.<sup>2</sup> He wrote the Minister at the same time to deliver these papers to Skipwith. Then on the 24th, a letter to Barlow enclosing copies of the three above letters.<sup>3</sup> Before sending this, he received duplicate letters from London which he enclosed to Barlow and inquired of him if they did not prove he was losing thirty thousand guineas in consequence of his detention. 'I do not value the loss of the property so much as the loss of my liberty and to be beat by such an infernal combination extending from England to America.'

On January 25, he wrote to Skipwith that Dr. Moseley's letter, which not only Skipwith but the Ministers had read, would prove that the French had been deceived regarding him,

for if those they gain information from deceive them in this case they will know what confidence to place in them for the future. . . . By the extracts from the . . . Boston newspapers it will be seen that the aristocratic or English influence in the United States have taken part against me in concert with the combinations in London, for it is to be supposed that those pieces . . . was prepared in London but made their appearance in America and resounded through the English papers. The deposition of Governor Chittenden shows their falsehood. I found it impossible to counteract the prejudices in the two Hemispheres by way of newspapers; two printers only in London published any thing written by myself or friends on the subject. Evidence had little or no weight in court, procrastinations and detaining me in England appeared to me to be the object till sufficient prejudices were raised that condemnation [of the arms] would not injure the English Cause in America and wear me down in a foreign country with enormous bills of cost. In this situation I took advice . . . to learn if there was any special law against publishing in pamphlets the state of a cause while pending before the court. I could not learn

<sup>1</sup> Wilbur Photostats, No. 693, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 694, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 694A, *ibid.*

as there was any positive law yet my friends uniformly advised me against such publication one excepted though from the delicacy of his situation declined giving an opinion, but as he gave no opinion against I thought he was not opposed to it. On deliberate consideration I was of opinion that the only way to preserve my property was to rise above every opposition and publish my cause to the world, and send some of the pamphlets to every part of the United States and push the cause through the Doctors Commons with all possible dispatch. With these views I caused the Judge to appear before the Kings Bench to show cause if any he had why a mandamus should not issue against him. Directing him to deliver my property on bail &c being convinced that the Lords of Appeal would conduct the Cause with candor both for their Character and political objects when the cause was thoroughly investigated, printed and sent to the United States; with these views I did not spare the Judge the Kings Advocate &c as you will see by my strictures from page 392 to 405. Judge Merriot is an [antique?] member of Parliament and from his [interest?] I am informed brings in three [other] members. Sir W<sup>m</sup> Scott and Doctor [Lawrence] are also members of Parliament. B[ow-erbank] M[onkhouse & Co.] are the firm of a great mercantile house in London G[raham] is an — sold to do mischief; the merchants of Canada are principally scotchmen and have opposed a canal from Lake Champlain to the River St. Lawrence ever since 1785 from interested motives. See my address to the merchants and manufacturing houses in Great Britain. With all those interests against me may it not be expected that great pains would be taken to detain me in France? A Thousand guineas would be but little felt by that connection, besides they might profit by the final condemnation of my property. Judge Marriot is no longer Judge and I am informed by Gen<sup>l</sup> Tate that similar reasons to those published are given in the English Government papers for his removal.

The spirited Measures taken in England has caused my property to be shipped to the United States as I expected it would, but my detention here may have caused final condemnation that my bail must be accountable.<sup>1</sup>

Another letter to Skipwith on the 28th narrated details of the early struggles in Vermont and showed that these matters had prejudiced the English against him.

From these sources, notwithstanding all their united exertions, I should have obtained a complete victory over them, had not a blind Providence detained me in France . . . The death of Governor Chittenden, the Honorable Jno<sup>a</sup> Arnold Esquire and my absence, with the English faction, has caused Tichenor to be Governor of Vermont who was once on the ground to fight a duel with me; but by his du-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 695, Library of Congress and University of Vermont.



plicity &c there was an interference. The laws of Vermont consider all Militia Commissions void when an officer has been twelve months out of the State, which with party spirit and political Change of affairs have no doubt caused the legislature to declare my office of Major General vacant &c. If I am considered as a prisoner of war, I could only be exchanged as a private citizen &c. . . . If this . . . will not effect my liberation, it is impossible for me to add more . . . and I must submit to the auspices of that Providence who ordained the sun to rise and moon to reflect her lesser light, to cause the prison doors to open.<sup>2</sup>

On January 28 he wrote to Mrs. Joel Barlow.

I enclose to you the receipt for my watch from the Pawnbroker, as the time limited for its redemption is nearly expired. It is a gold watch, chain and key (the seal I took off) which cost me fifteen guineas in London and I would not take twenty guineas for it in different circumstances, on which the Pawnbroker would only advance 103 Livres [twenty dollars nominally, but then about ten dollars] disputing whether the chain was gold &c. I do not like that the Pawnbroker should gain his expected prize. . . . Please to send me by the Commissioner two louis and a French grammar.<sup>3</sup>

Mrs. Barlow answered, 'I send you two louis [eight dollars] and a grammar. Mr. B—— is out. I will speak to him about taking up the watch.'<sup>3</sup> Allen sent the messenger back with this:

With pleasure I received your present enclosed in a newspaper . . . The commissioner forgot the grammar. . . . I want one proper in English and French for learning the first rudiments of the French language. I live like a philosopher and enjoy [blotted out] at a moderate daily expense and having done writing on the subject of my detention . . . am perfectly at leisure to learn French. . . . Compliments to all friends.<sup>4</sup>

On the same day he wrote a long letter to Joel Barlow sending him copies of his letters to Skipwith.<sup>5</sup>

Having been unable to obtain the ten louis that Madame Ager held for him, he had pledged his watch and sold all of his clothes except the suit he wore. He occupied a room with three rough, loud-talking Frenchmen. While Allen each day thought he would write no more, new subjects would occur to him at night and the next day he would write again.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 698, Library of Congress and University of Vermont.

<sup>3</sup> Wilbur Photostats, No. 697, *ibid.*

<sup>3</sup> *Ibid.*, No. 702.

<sup>4</sup> *Ibid.*, No. 699.

<sup>5</sup> *Ibid.*, No. 702.

On February 1, to Skipwith, he quoted that part of General Burgoyne's letter to Lord Germain which referred to the Vermont soldiers as 'The most hardy and rebellious race of men on the continent who hang like a gathering storm ready to burst on my left.'<sup>1</sup> Four days later he wrote to him again:

As my money is nearly exhausted, have thought proper to enquire whether you have or are like to succeed in obtaining money for me in pursuance of my letter of the 22, ulto. or in any other way whatsoever. . . . You would oblige me by the loan of an English and French dictionary also a grammar.<sup>2</sup>

The next day Skipwith sent him a French dictionary and wrote that he would endeavor to procure the other books wanted. He stated that he had lately presented his situation to the Minister of Police and was doing all he could to serve him, but wrote that he found it impossible to raise any money for him. This letter was written in the third person and not signed, which indicates that even Skipwith, who stood well with the French, was not anxious to be known as assisting him.<sup>3</sup> He wrote Skipwith again on the 15th, enclosing a letter which he had written to the Minister of Police requesting him to have his secretary translate and deliver it.<sup>4</sup> Not knowing whether Skipwith would deliver his letter, he wrote at the same time to Citizen Volney:

I enclose to you the copy of my letter to the Minister of Police . . . the commissioner has a packet for the Directory which I have requested her to leave with you and desire you to deliver it to Citizen La Revieieu Lepeanse [Director] that you might be present when opened, as it may want translation and your attention will add an additional obligation on him who has the honor to be &c.<sup>5</sup>

His letter to the Minister of Police recited that he was out of money and did not know how he was going to obtain any more for subsistence;

There are amongst my papers in your office authentic documents showing me to be the owner of near 300,000 acres of land in Vermont — also a letter showing where I have some money deposited in France which I cannot learn how to command in existing circumstances.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 703, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 704, *ibid.*

<sup>3</sup> *Ibid.*, No. 1077.

<sup>4</sup> *Ibid.*, No. 706.

<sup>5</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 706, *ibid.*

He then requested the favor of a personal interview which he promised would not exceed half an hour and desired to have the same interpreter present who had assisted him when he saw the President of the Directory on the 22d of the preceding December. Knowing the power of gold at that time his letter closes with, 'I am not difficult as to modes or forms, if other measures can be adopted to effect the same object.'<sup>1</sup>

The following letter reveals much of Allen's character:

ST. PELAGÉE PRISON, PARIS, *Feb*y 20, 1799

SIR:

I once more take my pen to acquaint you of my situation. I have long since requested to know of government and its ministers, the cause of my detention, to see my accusers face to face, if any there were. That the directory would be pleased to appoint some person or persons to confer with me on the subject of my confinement, that by their report, satisfaction might be given, that I might be favored with an interview with the Minister of Police to learn why I was detained; that I might have an opportunity to speak in my own defense. But these reasonable requests have been passed in silence. I have also written on every subject I could suppose would reflect light on the case which has been either misunderstood, or through the hurry of business not attended to. Nine months are elapsed since my detention. When I arrived at Gravelines, I had no idea of staying more than three weeks in France and brought very few clothes with me. But of two coats I have been necessitated in order to discharge a trifling bill of the Jailer to offer one coat and vest which were almost new for sale for which was offered twelve livres only. At this price were I to sell all my clothes they would not support me many days. In this situation, I have thought proper to make a statement of some of my objects that are extremely deranged by my detention. Though it has been my custom to let the world know at proper times what I had done and not what I was going to do; I gave four thousand pounds for the use of the University of Vermont; was preparing materials to erect public buildings to lease the lands of the University etc. when I left home with an idea of nine months absence, which matters are delayed since my detention in Europe. I had concerted measures to establish a most extensive plan of education, not to be under the superstition of the clergy, and in place of paying too much attention to the Hebrew, Greek, etc. to institute the French and other languages of the present day and such other studies as might be most useful and applicable to the genius and views of the students, and to have said University in connection with several colleges, academies etc. to extend its influence. I mentioned these matters to Mr. Barlow, inviting him to the Presidency of said University and meant to have been more particular with him on the subject,

<sup>1</sup> Wilbur Photostats, No. 707, Library of Congress and University of Vermont.



had opportunity permitted. I had also contemplated the establishment of an Academy on a most extensive and liberal plan for female education, as I have considered young girls too much neglected. Have been tenacious in effecting my said objects and the more so that they might be examples to others. I meant to have established funds for the support of these institutions as permanent as the earth and that they should have been predicated on the annual rents thereof. Nothing but my detention in France could have prevented these objects being carried into effect for I had my business in train for it. But the losses I have sustained and am exposed to, may be a bar to these enterprises although I am not tenacious of transmitting to my posterity extensive fortunes, yet, a competency will be expected. It is to be observed that large fortunes are not retained in one family more than three generations on an average in a free country where there are no entailments as in Vermont. I had contemplated applying a large portion of my property to public institutions these being objects of consequence to rising generations ought to bare some weight and the more so as the French language would be thereby extended. It is true that I have wished to preserve or restore a good understanding between the Republics of France and the United States for the best good of the great body of the people of said states, who I believe wish not to have disputes with the powers of Europe; that the land holders (one of which I am) in the United States are great losers by the expense in preparing for war and more if commenced and continued. Witness the late land tax in the United States etc. — It has been my uniform opinion that war would be injurious to both countries, that the revolutionary system in Europe etc. seemed to point out the Republic of France and the United States for ages yet to come to be the great leading Republics of the eastern and western continents, and as such ought to be on terms of mutual friendship and for the best good of each other and the cause they have engaged in and which is extending — under the auspices of the French government. With these sentiments I proposed in August last that on closing my business in France to repair to the United States and to exert myself to bring about a peace and thought from my acquaintance with the officers in the federal government etc. I might have contributed to so desirable an object which would have been in concert with my interests etc. and which I am of opinion may yet be effected to the interest of both countries better than to continue an indirect species of hostility. I cannot imagine that anything short of an interview with some officer of government, person or persons of their appointment, can bring my business to an understanding, for it is impossible for me to make any further defense without knowing what to apply to and being conscious to myself of not taking any part directly or indirectly against this Republic and considering the pressure of my business with the objects aforesaid, feel it an extreme hardship to be thus detained. That there may be intrigues against me through the influence of the captors, etc. I do not doubt but I positively assert that nothing can be produced against me but

what may have been invented by designing men and think that the rights of a man of my character and exertions in the cause of liberty entitles me to an opportunity to be heard in my own defense and I ask in the strongest terms your interference with the officers of government for that purpose pledging my honor, my life and everything sacred, that no act or intention of mine has been against this Republic and that I will vindicate my cause if I can be heard in my own defense before gentlemen of sense and candor who understand and speak English. This I authorize you to assert at the risk of my life. I am with great respect,

Your most obedient humble servant,

IRA ALLEN <sup>1</sup>

FULWAR SKIPWITH, ESQ.

In another letter to Skipwith, six days later, he gave additional information and wrote, 'Whether I live to survive it or not, it will add a page in history.' He then requested an interview with the Directory. 'It is due to me and I hereby authorize you to insist upon it.' <sup>2</sup>

His next letter to Skipwith was on March 2:

On the receipt of yours of the 22nd ult. I had reason to suppose, as it appeared that the Police were attending to my business, that I should not have been here at this time. I am a man of strong passions but tender feelings and, having only 12 livres in subsistence money when about 4 are necessary a day, not to live but to retain an existence, that after the requests and statements I have made feel myself at a loss what I can do. If life is not a burden, it is not worth enjoying in existing circumstances. To be reduced to those pitiful necessities after all I have done in the cause of republics affects my character, property, feelings, etc. to that degree that sleep has almost departed from me and I do not eat or drink with any satisfaction. A filthy prison is unpleasant to a person accustomed to an active life. Should with pleasure receive any information you can with propriety give.<sup>3</sup>

A week later he wrote to Madame Ager:

Please to send me 10 louis which is the amount of my money remaining in your hands. Deliver to the postmaster taking his receipt to forward it to me and I will give my receipt for it which shall be your discharge and that of the postmaster.<sup>4</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 709, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 711, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 712, *ibid.*

<sup>4</sup> Wilbur Photostats, No. 713, *ibid.*

On March 12, Allen wrote to the United States Consul at Bordeaux, Joseph Fenwick, sending him copies of many of his letters and giving him a fairly full statement from the time of arriving in France on the 20th of May, 1798. He concluded: 'You would oblige me by the loan of 10 louis.'<sup>1</sup>

On March 16, he wrote to the Minister of Police:

I am one of the oldest republicans on earth, so early as 1772 I was honored with the command of a detachment of men to oppose Governor Tryon, taking possession of the New Hampshire grants; was one of the principal founders of Vermont, assisted to take the first garrisons from the King of Great Britain in the Revolution of America, I challenge the universe to produce one single act of my life counter to a firm, genuine, tried and approved republican or against the Republic of France. I therefore once more request your attention to the cause of a republican that none of the vicissitudes of life can change the principles of.<sup>2</sup>

On March 21, he wrote to the jailer requesting that he remove his bed and trunk to a single room as he preferred being alone.<sup>3</sup>

This letter reveals some of his many difficulties:

*To the Minister of Police General of the Republic of France*

CITIZEN:

I came here from the police with a Mr. D—— I had been but five hours in his company when I learned from himself that he had had several printing offices sealed by order of government; that he made use of language toward government and its officers that decency forbids me to name. These circumstances determined me to have as little as possible to do with him but being the only person at that time in the prison that spoke English properly, lodged in the same room and was my interpreter, yet many days elapsed without scarce a single word passing between us. He perused the Particulars of the Capture of the ship Olive Branch and History of Vermont by myself and I have reason to suppose has made a denunciation against me. If so I request in the most urgent manner that he be brought to Paris before proper authority, that I may confront him face to face and that those who at that time lodged in the room with us and visited the room may be called to witness the cool and silent manner in which I treated him. There is a Mr. O—— in this prison who treated me ill. On resenting it hard words passed between us. At different times I have also reason to suppose that he has directly or indirectly tried to injure me. Two months is a long time to be banished from every

<sup>1</sup> Wilbur Photostats, No. 714, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 715, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 716, *ibid.*



enjoyment in life and that in a Republic after it is well known that I am one of the principal founders of Vermont which contributed much toward the Revolution of America, in favor of which I took a distinguished part; that the revolution of America assisted the revolution of France and the cause of republics which is now extending under the power of French arms etc. It is also a fact that I was early opposed to any measures in the United States that would operate against the French cause; that in England I wrote repeatedly to the officers of the United States cautioning them against contending with France; showing its grown power etc.; which letters are to be seen in the Particulars of the Capture of the Ship Olive Branch. After all these exertions which have operated in favor of France, is it not hard to be denied even the privilege of sending an address to the legislature of Vermont, letters to Mrs. Allen, and my council in England endeavoring to preserve my property from a combination formed in England and the United States to injure me in more ways than are necessary to innumerate and which my detention in France gives opportunity for. Shall the private denunciations of men of suspicious characters detain a man who has been known on all occasions from eighteen years of age to forty five to be a firm republican, to be confined in prison to the ruin of his constitution, the loss of a well earned property, depriving public institutions and his heirs thereof without ever being able to be heard in his own defense; putting it out of his power to further contribute to the cause of republics by establishing and organizing public Seminars of learning etc. I am with high consideration,

Your most obedient humble servant,

IRA ALLEN

PELAGÉE PRISON, PARIS, *Mar. 22d, 1799.*

PELAGÉE PRISON, PARIS, *Mar. 24th, 1799*

SIR;

On the 21st inst I gained an idea that induced me to write to the Minister of Police regarding Mr. D — on the 22d. On reflecting on that subject and my situation I wrote to the concierge of the prison to change my bed etc. to a single room for the following reasons. In the room where I lodge are four beds and a stove where much company frequent in the day and sing at night which makes it exceedingly noisy and the air less pure, the season being advanced to make stoves useless. Choosing retirement from company for many reasons and in particular to recommence writing the history of my life that I began in Paris at leisure hours in 1796. I was refused the privilege of changing my room and last evening learned the cause. A report was circulated that I wished to change my room for the more convenience of making way with myself which report may be injurious to me and give anxiety to my friends. I therefore take the earliest opportunity to assure you that I am a man of too much firmness of mind ever to change my political principles or to commit suicide. If I die in this place it will be by sickness or starvation for I assure you I shall never

join the crowd to run for a ladle full of soup. Death before dishonor. I wish to pay every deference to a government that I have felt a friendship for from its first formation as I have considered it extending the same cause I have been engaged in and a guarantee to republican principles in America. I have taken every measure I could devise to give satisfaction and learn the cause of my detention without success. I feel it an extreme hardship to be more than ten months detained, confined in a prison where thieves, robbers, assassins, etc. frequent. The Temple is much preferable to this place. I am a man of strong passions but tender feelings which have been extremely fostered for a long time. You must not think strange of my appearing dissatisfied with my present situation especially when you consider me to have begun for myself at sixteen years of age (my father died when I was not four years of age) and I with an indifferent education and 48 pounds property. From that beginning have accumulated one of the first fortunes in the northern states of America; been one of the principle founders of the State of Vermont and University of Vermont and had extensive plans for establishing other Seminaries of learning and then to have retired from business which objects are deranged by this detention and my property not worth so much as it would have been, if I had not been detained, by fifty thousand guineas. I do not mean that my real losses, though great, are to that amount but including the loss of contracts etc. I may estimate my property to that amount less than it would have been. My friends in England are injured as will appear by Dr. Mosley's letter in your possession. My family must have great anxiety at my detention and the effect it has on my business. I enclose to you the duplicate of my letter to Gravelines and desire you to make trial to get the money. I am etc.

IRA ALLEN

FULWAR SKIPWITH, ESQ.

25th. By the returns of the commissioner of the 23d. inst. I expected yesterday a messenger from you with some money by whom I intended to have sent the preceeding letter. Please to give a line mentioning the receipt of my letter to Mrs. Ager. I have reason to believe that the preceeding false report is not the only one that has lately issued from this place calculated to prejudice Government against me.

To Skipwith, on April 3, he wrote:

I this moment received the medicine sent by you. It was brought by the concierge and physician of the prison who took away the pills as the physician could not learn their quality. In case the doctor cannot get leave to visit me, must request him to send me another case of pills, describing their quality in French for the satisfaction of the concierge. The sooner I receive said medicine or see the doctor the better.<sup>1</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 722, Library of Congress and University of Vermont.

Again, to Skipwith the next day he wrote:

I have recently seen prisoners in this prison apparently take pains to put words in my mouth to speak against this government which I have avoided. When I have been supposed to be asleep, I have heard suggestions that appeared to be calculated to prejudice government against me. From these facts in a prison what opinion must I form of intrigues against me and how is it possible in existing circumstances to extricate myself from them and give satisfaction to government? I will point out a method, in case you can find means to carry it into effect, which is simple and plain provided the Directory or Minister of Police will appoint three men of sense and candor that speak English and furnish them with whatever my aristocratic adversaries, etc., may have caused to be in denunciations etc. against me and even without any names, giving me at the Minister of Police an opportunity to have recourse to my papers there, I will engage that within a reasonable time I will give such men full satisfaction that I have from the first formation of the Republic of France to the present time been a sincere friend to the Republic . . . in case I fail in giving the aforesaid satisfaction after having a fair opportunity for that purpose I will return to this prison and remain the residue of my life without troubling the Directors, its ministers or you with another letter from me. Your attention to this letter will add another additional obligation on one who has the honor to be.<sup>1</sup>

On April 6, he wrote the Minister of Police:

Being in a bad state of health, I applied to my friends to recommend a physician. In consequence Dr. Snedeur visited me in presence of the Concierge, etc. and after consulting my case agreed to send some medicines which were brought to me by the concierge and physician of the prison, a part being of a quality not understood were taken back by them. I have therefore to request that said physician may have leave to send me from time to time such medicines as may be necessary, giving a particular description of the quality thereof in French and that he may also have license to visit me when necessary.<sup>2</sup>

A copy of this letter with one of same date was sent to Skipwith. In this letter he appealed for a small loan if he had not received the ten louis from Gravelines. 'I believe that my credit with the jailer will be of short duration. A bad state of health . . . and out of money is unpleasant.'<sup>3</sup>

On April 11, he wrote to the Concierge of Pelagée Prison, 'I have three grievances to complain of.' The first, that he

<sup>1</sup> Wilbur Photostats, No. 723, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 724, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 725, *ibid.*



came to France with a regular passport but was now confined in prison without knowing the reason. The second,

That being very unwell and finding means to consult one of the first physicians in Paris in your presence and having medicine sent to me through the interference of the Consul General of the United States then to have such medicine taken from me is a grievance that even humanity itself will shudder at.

Third,

That in consequence of my long confinement, being out of money and not being able through the post office to get 10 louis, I have at Gravelines to be repeatedly denied of breakfast and necessitated to live on one scanty meal a day is unpleasant for a man of large property who has uniformly from the first formation of this Republic both spoke and wrote in its favor.<sup>1</sup>

A letter on April 12:

*To the Executive Directory of the Republic of France*

CITIZENS, Necessity compells me to request your attention to some facts. I am very unwell of the same complaint that afflicted me in the Temple, a pain in my back, kidneys, etc. which also affects my eyes. Dr. Snedeur has made me one visit in the presence of the Concierge, etc. and, through the medium of the Consul General of the United States, sent me some medicine.

He recites that the medicine had been taken from him and that he had written urgent letters on the 3d and 6th, not only to the Consul-General, but to the Minister of Police and to the jailer, but he had been unable to hear from any of them and had not seen the doctor or received any medicine since.

My disorder being inwardly and of a long duration may be of serious consequence, if not regularly and immediately attended to, and this most probably would take one month to erase it, were I in proper circumstances to attend to it and had the assistance of Dr. Snedeur, which I request. In consequence of my long detention am out of money, have made four repeated trials by the post office for a sum I have at Gravelines without result and the Consul General of the United States declares that he is quite unable to furnish me further supplies. How these difficulties that threaten putting a period to my existence are to be remedied I submit to the humanity and justice of the Directory.<sup>2</sup>

A kind letter, received on April 13 from Mrs. Joel Barlow, was the only hope and comfort to enter his prison cell.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 726, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 728.

DEAR SIR, I send you two louis and am truly grieved that it is not in our power to do for you what our feelings dictate. I will call and see you if the concierge will permit, the one who takes this is to ask him. We are — promised that something shall be done and know not what more to do. P.S. Mr. B will do what you [desired.]<sup>1</sup>

Again she wrote, on the 19th, that for several days she had been so indisposed that she was unable to go out, but as soon as her health permitted she would call on him and that she would see that the letters he had sent her were properly delivered.<sup>2</sup>

On April 20, he wrote Mrs. Barlow:

I enclose the copy of my letter of this date to the Minister of Police. The original I have sent to F. Skipwith, esquire, to translate and send to him — As you have found the way to this place, should be much obliged to you for a visit without company. Mrs. Allen and I will make you two visits to pay for it when we become neighbors, which in the course of events probably may yet be the case.<sup>3</sup>

By this he evidently meant that if Joel Barlow accepted the presidency of the University of Vermont they should be neighbors.

On April 17, on the records of the Police appears this notation: 'Ira Allen, American, detained in Pelag  e, writes that he is without money and very ill and wishes that the Directory might better his situation.'<sup>4</sup> No order was issued and no notice taken of it.

Barlow had evidently been to the pawnbroker's to obtain his watch and had written that he did not consider it as Allen had described. Allen replied, 'My watch was one of the first rate of Geneva make watches, with a rich English solid gold chain and key; that it may have been changed is not impossible.'<sup>5</sup> This is a picture of conditions outside the prison; the following letter gives a view of the inside:

PELAG  E PRISON, PARIS, *April 15th, 1799*

Not knowing the address of Doctor Sneedeaure I write to you requesting that this letter be shown to him without delay. I have for five days made use of the strengthening plaster which has inclined me to sweat. I have managed it by staying most of my time in bed in hopes that perspiration might have the same effect the box of pills were intended for that were taken from me, and have found some re-

<sup>1</sup> Wilbur Photostats, No. 524, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 526.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 732, *ibid.*

<sup>4</sup> *National Archives (French)*, A.F. 111, 101.

<sup>5</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 727.

lief. I request another box of pills [and] that said Doctor give a certificate in French specifying their quality. That he give instructions both in French and English how I am to use them or any other medicine he may think proper to send. For the satisfaction of the concierge that such medicine certifiable instructions be sealed up and brought by the Frenchman you have several times sent money by, or some person of my acquaintance. That the medicine be retained in the messengers hands until opened in presence of the concierge of this prison and myself. Although I am much in want of some medicine, yet if they do not come to me as above described I shall not, for special reasons, take any medicine. And request a particular answer whether any pills have been sent to this place for me since the first box. I desire this business may be immediately attended to which will add an additional obligation on

Your most obedient humble servant

IRA ALLEN <sup>2</sup>

FULWAR SKIPWITH, Esq.

Allen had in some way learned that President Adams had appointed three commissioners to go to Paris and endeavor to reach some understanding with the French Government, and that one of the commissioners was Ellsworth, Chief Justice of the Supreme Court. On April 20, he wrote to the Minister of Police requesting the privilege of riding out one league from the city; he longed for the country air, for the restoration of his health; also for liberty to write to London and the United States about his case in court and permission to send a letter to his wife, promising not to send any letters not first submitted to the police for inspection.

That in case Messrs. Ellsworth and Davie have liberty to come to France . . . that my letters may go by the same conveyance that their permission [is sent] that Mr. Ellsworth, with whom I am personally acquainted and who lives within one league of my brother-in-law, s'd Mr. Bissell, may bring said depositions &c which may save me two voyages across the Atlantic, as by said depositions I may bring my business to a close in England.<sup>2</sup>

This statement of Mr. Ellsworth's acquaintance must have had some effect on the Directory, if they saw this letter. On the same day he wrote Talleyrand enclosing a copy of the above, 'and have only to add that a sincere friend of France'<sup>3</sup>

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 730, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library; Wilbur Photostats, No. 732, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 733, *ibid.*



has been long detained much to the injury of his health.' At the same time he sent copies to Skipwith and Mrs. Barlow with the request that they be posted.

Two days later he again wrote to the Directory of his purchase of the arms, his capture, trial, and his coming to France. He estimated his loss at fifty thousand guineas (two hundred and fifty thousand dollars) more than it would have been if he had not been detained in France. Again he mentioned that France was interested in four fifths of the purchase price and that when he came to France, he brought only one hundred and fifty pounds sterling and little baggage expecting his stay in France would not exceed twenty days, and now he had only enough to support himself three days.<sup>1</sup>

He would not have been as impatient with Talleyrand for not obtaining his release if he had known that during this time a lady from India, resident of England, came to France and was arrested and confined in the Temple. Talleyrand went to the Directory and pleaded for her release, but could not obtain it, although he informed Barras he expected to marry the lady, which he did later (but they were suspicious of him and would not release her).<sup>2</sup> He could do no more for her than he could for Ira Allen. However, he had his revenge a few months later.

On April 28, Allen requested Thomas Paine to call informing him that, the visitant of the Bureau Central, learning of their acquaintance, offered to give Paine a permit to call at any time. He sent to Paine and the Bureau Central a copy of his last letter to the Directory.<sup>3</sup>

The following was among the last appeals to Skipwith:

PELAGÉE PRISON, PARIS, *April 29, 1799*

SIR:

From the first formation of the French Republic, I have felt a friendship for it, as it in some respects resembles two causes I had been deeply engaged in, viz; the cause of the district of the New Hampshire Grants, now Vermont, and the Revolution of the United States. At the same time, I have uniformly exerted myself to prevent the United States being involved in the European War and amongst other reasons the following have been and are yet weighty

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 734.

<sup>2</sup> Barras, *Memoirs* (Harper Brothers, New York), vol. 3, p. 118.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, Nos. 736, 738.

considerations. The local situation of the United States is more than three thousand miles from the belligerent powers. Destitute of the navy, with a territory sufficiently extensive and fertile to support one hundred million people with a population of about five million. Under these circumstances, I have been of opinion that true policy and interest dictated cultivating the art of peace and commerce with foreign nations. That this would have rendered a sister republic a most essential service in the power of the United States to grant (in safety to themselves) which would have been interesting to the citizens of both by the barter of goods in neutral ships and I submitted as a question whether even at this late period some accommodation might not be made to reinstate a friendly mercantile intercourse. Fully impressed with these sentiments in August last I was very desirous for a final settlement with this Republic and stipulated with Messrs. Tupper and Co. for a liquidated debt (which they had) against the Republic, on which thirty thousand livres had been actually paid by government to said Tupper and Co., to offer this debt in discharge of the balance for my purpose of arms etc. payable in 1803, contemplating sending the proofs required by the Lords of Appeal in Great Britain to my counsel there, proposing to go direct to the United States and to exert myself to bring about a peace, if possible. I had also important business of my own that required my personal attendance in Vermont which with the obtaining about forty depositions and other documents to further evince the publicity and various legislative measures taken to arm the Militia of Vermont in order to obtain greater damage, etc., by the final decision of the Lords of appeal, and to see my family after near three years absence were plentiful inducements for me to go to the United States. But these objects have been interrupted by repeated arrests which you have sufficient details of and I submit to you what further means are necessary to be taken to obtain that liberty which ought never to have been taken from me. I have the honor to be

Your most obedient humble servant

IRA ALLEN \*

FULWAR SKIPWITH, ESQ.

N.B. You will oblige me by adding Mr. Paine's address to my letter to him in the hands of the commissioners who deliver this to you as the visitants from the Bureau Central have freely offered to give him license to visit me. I. A.

A physician sent by Skipwith was allowed to see Allen only in the jailer's room and in his presence. He found him in an alarming condition; so weak he could barely walk from his cell to the jailer's room, and the next day when he called he was refused admittance. Skipwith obtained a special permit and he returned and sent Allen medicines with directions written in

\* *Stevens Papers, op. cit.*, Wilbur Photostats, No. 737.

French and English, among them some pills to be taken at bedtime. The prison physician took the pills, as he said, to examine them. Fortunately, Allen had looked carefully at them noting their size, and, when the box was returned, he saw they were not the same pills. He pretended to take them, but concealed them and the next morning lay as if dead, when a prisoner he suspected of being a spy in the employ of the English captors came in and examined him closely. He did this five times, showing much anxiety.

After he went out the last time, Allen arose and dressed and ate some breakfast. The man came in again about one o'clock; he seemed surprised and asked if he took his physician's pills. Then Allen turned on him and told him, 'he knew too much to take such damned things.' The man made no reply and retired. When his doctor came, Allen gave him the pills and requested they be analyzed, but the doctor with 'a stern look, turned and handed them to the concierge of the prison, observing that the box and pills had best be given to the person that furnished them.' Allen again requested a 'room to himself.' This was denied him, and he was obliged to sleep in a room with three others; a large room, daily resorted to by a noisy crowd all speaking French. Allen for weeks never spoke a word of English or the little French he had learned except to ask for food or drink. Some two weeks after the pill episode, two strangers came to the room; and, when the other prisoners left, the turnkey counted the four who belonged in the room and locked the door, allowing the two strangers to remain sitting in their chairs. Allen went to bed at the usual hour and lights were extinguished; he was suspicious of the men, who looked like hired assassins, so he did not go to sleep, but pretended to be very ill and kept getting up every little while all night. The men whispered to each other, but did not attempt to assault him. In the morning, when the doors were opened, they left the prison and were not seen again. This same game was played about two weeks later with two villainous-looking men. Allen kept his razors handy and was up and down all night, thus frustrating any intended assault.

It is conjectured that these maneuvers were inspired by the parties who had purchased the claims of the English captors of Allen's muskets. The representations to the British Govern-



ment of the heavy damages that would be claimed by Allen, if successful, probably had much to do with the difficulties he encountered.

In London, before the Court of Appeals, Allen's attorneys, on April 12, produced the affidavit of Isaac Scott, a merchant of standing. He swore that he had shipped to John Allen Finch (Allen's nephew) of Boston goods to the 'value of between two and three thousand pounds, in March 1796.' He swore that he had seen a letter from Allen informing Peters of his sale of land in Paris and asking Peters to notify a Mr. Bell of Pimlico, as he had authorized Bell to sell some lands for him in England; and that when Allen returned to England in 1796 he, Scott, negotiated bills for him to the amount of £2235-6-11, and paid him the money. He also swore that Allen had other bills at this time, and had left London in September expecting to sail for America. That he informed Scott he had sold Vermont lands in Paris and expected to sell more.

On April 17, William Golbourn swore that Allen had given him an order for fifteen thousand military feathers; five thousand to be made of black and scarlet feathers, for the soldiers of Allen's division; the colors of the balance were to be decided after consulting the other generals. He shipped in August, 1796, three large cases containing 1646 black and scarlet feathers, all he could obtain, 'and a quantity of ladies' feathers, artificial flowers, cloaks, bonnets, and a great variety of military feathers as patterns for inspection.' After Allen was captured, he canceled the balance of the order. He swore that Allen told him all about the purchase of the arms, etc. When asked if Allen owed him any money, he swore that he did not and was under no obligation to him.

Hathaway was a member of the Vermont Legislature and, of course, knew of Ira Allen's difficulties. He saw an opportunity to make a fortune. Through fraud, by the suit against Thorn, having successfully got title of Allen's Swanton and St. Albans land, he decided to attempt a larger fraud along the same lines. It was known that Allen was in a French prison, and it was reported in Vermont that he was dead. This report was circulated about the time the attempt had been made on his life; whether this was a coincidence one can only surmise. Early in 1799, Hathaway went to Boston, apparently on the

invitation of John A. Graham, or his brother, and bargained with William Hull to sell him, Hathaway, all the land that had been deeded to him by Allen as security when he went to Europe in 1795. On February 16, Hull drew up a deed in a most peculiar form. The first part recites Allen's deed to him, then, 'in consideration of thirty five thousand dollars . . . the receipt whereof I do hereby acknowledge, do by these presents, bargain, sell . . . all the right, title and estate which I acquired by virtue of the deed aforesaid.' This last phrase is repeated several times — in itself proof that Hull knew it was a mortgage and not a sale to him by Allen when he sailed for Europe in December, 1795. This deed was recorded by Hathaway March 16, in Burlington, and in the township of Georgia May 8, 1800, where there were many acres. Graham was to have one eighth of the lands, or proceeds of lands, deeded to Hathaway.

Assuming that Allen had never paid Hull any money since December, 1795 (Hull had admitted to Bissell that he had received a shipment of goods from Allen), there was due Hull three thousand pounds sterling, about fifteen thousand dollars. He deeded land to Hathaway worth conservatively one hundred and fifty thousand dollars. He could not have done this, if he had not at first induced the party who acted as trustee in holding Allen's note and deed to surrender them to him. Allen's property was in this way stolen from him during this year of 1799. A tract of one hundred acres he had bought in 1774 of Peter Suydam, located in Burlington just below the falls in Onion River, was divided by land thieves into five-acre lots and sold; and for many years it was called the Algerine lot, after the pirates of Algiers.

Mrs. Allen was leasing his mills, as well as some of his farms, with Heman's assistance. So many people presented claims against him at this time that she was much perplexed.

In 'cell No. 18, 3d tier old building,' when Allen was not writing letters to French officials, he was studying his French grammar and geography supplied by Mrs. Barlow. It was no easy task to compose his letters in a room full of rough Frenchmen, talking, laughing, and singing, and a still more difficult task to study a new language.

The following memorandum was found among his papers, dated on his forty-eighth birthday:

In ancient times when the Jews were waiting the coming of a Messiah, Jesus Christ came from Nazareth and ministered unto them. The Jews murmured, saying one to another, *can any thing good come out of Nazareth?* They derided and persecuted him. In modern times men coming from *England* into France are in like manner persecuted.

ST. PELAGÉE PRISON, PARIS May 1, 1799.

The anniversary of General Allen's birth. His last birthday he spent in Prison in London because he refused to sell his cargo of arms &c there.<sup>1</sup>

Skipwith wrote Talleyrand, who was still Minister of Foreign Affairs, on May 1, that he had resigned two years ago, but had just been advised that he was relieved. 'You will consider me among the private citizens of the United States at present residing in France.'<sup>2</sup> Montflorine was sent to receive Skipwith's papers, but in June Talleyrand ordered him out of France.

#### In France

the May elections of 1799 expressed the popular discontent in an uprising of extreme Jacobinism. With Fouché at the head of the police . . . it appeared to a majority of the nation as if all constitutional government were jeopardized, as if the Terror were to be revived, as if madness could be repressed only by military force.<sup>3</sup>

Both legislative bodies were now hostile to the Directory.

Allen was so reduced in funds that the coffee-house attached to the prison would serve him only one meal a day, consisting of 'soup, bulley bread and veal.' With little appetite he could not eat this fare and wrote, May 3, to the jailer that he must have relief or die, and that he would pay him liberally when he was released.<sup>4</sup> A copy of this letter was sent to the Bureau Central,<sup>5</sup> but no relief was forthcoming. Mrs. Barlow came to his rescue on May 7, and wrote, 'Excuse the little piece of cold pie I send, it is all I have, we have nothing cooked to-day.'<sup>6</sup>

Allen, on May 10, wrote Mrs. Barlow inquiring if some means

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 741, Library of Congress and University of Vermont.

<sup>2</sup> Department of State, Secretary's Office, *Consular Letters*, 1790-1805.

<sup>3</sup> Sloane, *Life of Bonaparte*, p. 91.

<sup>4</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 742, Library of Congress and University of Vermont.

<sup>5</sup> Wilbur Photostats, No. 743, *ibid.*

<sup>6</sup> *Ibid.*, No. 741.



cannot be concerted to raise three hundred pounds, as he knows Mrs. Allen must have money collected for him. Mrs. Barlow wrote, 'My heart is truly pained at your situation.' He wanted Morse's geography or any history with a map of North America in it, and always closed with, 'When may I expect to see you?' <sup>1</sup> Mrs. Barlow would wait all day, knitting in the outer office of the Minister of Police until she could see him and obtain his promise to look into the case.

On May 13, Allen wrote Skipwith requesting that he furnish the Bureau Central with all letters he had written to him. He desired Skipwith to draw on Mrs. Allen for three hundred pounds, as his arms must have been sold and, if so, she would have funds. He was sure General Hull would honor his draft for three hundred pounds 'as he left security with him.' 'Let the sacrifice of property be what it may to secure the above sum, I wish to have it done, for certainly I will sooner sacrifice my property than my health or life.'<sup>2</sup>

This letter was returned with the information that Skipwith was no longer Consul-General and was at his country seat. Allen then sent the letter to Joel Barlow, adding the postscript, 'Should be much obliged to Mrs. Barlow for a visit.' To meet a friendly soul like Mrs. Barlow comforted him deeply.

On May 17, Allen wrote Robert Slade in London: 'I have not the liberty of writing letters on business to London or the United States.'<sup>3</sup> This letter was smuggled out of the prison and, if delivered, Slade was to pay liberally the men who undertook it, after he had obtained their depositions as to Allen's confinement in prison. His letter concluded, 'Have a little more patience and you shall have both the proofs required.' This was indeed optimism.

Mrs. Barlow wrote:

I send you a letter Mrs. Leavenworth handed us yesterday. I have seen M. V—— [Volney], but cannot prevail on him to call on you, he says it can do no good, and may expose him; he went however last evening to the Director to try if he could do any thing for you, and, as this gentleman has perhaps more influence than any individual, I have hopes he will succeed.<sup>4</sup>

<sup>1</sup> Wilbur Photostats, No. 744, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 745.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 747, Library of Congress and University of Vermont.

<sup>4</sup> Wilbur Photostats, No. 532, *ibid.*

A few days later she wrote sending him some wine, etc., and telling him of her illness. The letter she sent contained two letters from Samuel Peters, one dated a month later than the other.

LONDON, *March 22d*, 1799

MY DEAR GENERAL:

Long has been the time of your absence and your friends here seem to be in a despondent state both on account of your absence and silence. Reports say here that you was released from the Temple that you might be confined elsewhere. We generally believe that all Americans in France are confined, but not so vigorously as to be denied pen, ink and papers, or the privilege of sending letters on business to any part of the world. Your business here relative to your arms & Cannon may and ought to be closed before the term in June ends. This and your mercantile concerns rest on your liberty, presence and exertions. Your interest is pending on your attention to these things, and, I think, you will not give room for your friends to imagine you capable of forgetting and deserting them, or your important concerns. The allies of your captors are not idle in making and spreading ill reports about your long stay, especially about your silence toward all your friends here. These reports have been counteracted by your friends with good success by force of your integrity and former character. However, give me leave to say, your strength doth not consist in sitting still and in silence much longer. The court of appeals will not be permitted by the captors to keep silence if you do, by means of the Directory of France; unless it be certified to be a fact by some person in France. I will inform you of such events as may effect you more or less which have taken place during your absence. The Lords of Appeal have put off their decision, sine die, that something certain may be heard of or from you. Your proctors etc. etc. impatiently wait for the proof of the two points you went to procure in Paris. It is apprehended that your future silence will be deemed mortal to your hopes, as it may be considered a contempt of court and perfect indifference to your lawyers, proctors and friends. The bill given to you by Jn<sup>o</sup> A. Graham will be tried in April. The 2000 dollars advanced to Major Finch by Burr, Graham & [Co.] was adjudged to be paid by John Doe [Ira Allen] only because John A. Graham swore that he was not a partner in the House of Burr, Graham & [Co.] and that in 1796, he heard John Doe [Ira Allen] tell Burr, Preston [and Co] of Boston in N.E. to advance money to Major Finch [giving] persons by name, and he would repay it to them. No one but the Court believed the deposition . . . [illegible] . . . has been told that Jn<sup>o</sup> A. Graham was a partner in the House of Grahams and that you can prove it. The court gave a verdict versus John Doe [Ira Allen] please to answer. Mr. Lorimer also obtained an execution against the Doctor and John Doe [Allen]. The Doctor [Moseley] is in the Kings Bench and there

will remain until an execution is obtained versus Messrs Owen & Eyre in April or June. The bill of Exchange John A. Graham gave you on the Graham's will be tried in April. The Musquets & Cannon have all arrived safe at New York, but were not sold when the last ship came from New York. Bird, Savage & Bird will answer no demand whatever, until their bail bond to the Court for them is fully covered, and the money is in their hands. This may be soon known. Will it not be for your interest to send a power for Mr. Isaac Scott to receive from Bird & Co the balance that may be due to you, and to dispose of it according to your written orders attending the power, provided you cannot be liberated so as to come here personally? Should you be permitted to leave France and come here, and if you have not disposed of your land, and should come via Dover, you can call on Harrison who has proposals to make. If you may not write here, The American Consul or some other person may no doubt write and say where you are and what prospects you have of success in the business you went to accomplish. Pray let this be done without delay to Ambassador King or some other person here, lest your proctors, advocates, etc. etc. should enter their non-appearance for you, which likely will be the case unless they see or hear from you soon. Frequently ships as cartels pass from Grave-lines and Havre de Grace to England with troops, passengers, letters and newspapers, yet no letters come from you, which makes some people say you are dead, gone to America, or [have] forgot your concerns and friends in London. Having thus communicated points interesting to you here I will now conclude by telling you that Math Lyon was fined 1000 dollars and imprisoned four months for printing and publishing Mr. Barlow's letter to a member of congress dated at Paris March 1st, 1798. Nevertheless Mr. Lyon has been reëlected member to Congress, and report has it he will be chosen Governor of Vermont unless you return this summer to America. [Captain] Turner has lately arrived from Boston after a short [stay]. When he sailed, Mr. Batcheller had not arrived. He sailed in company with Turner from England. If all is not lost we shall hear from Vermont soon. My health, thank God, is mending, but I fear for the Doctors, who advise me to take a voyage to the W. Indies or to the United States of America. With great consideration for you dear General, Your fidel friend and servant,

SAMUEL PETERS <sup>1</sup>

This letter left London April 12, was forwarded to Hamburg to be conveyed to Paris by first opportunity.

The many letters Allen had written had all been held by the Minister of Police. Skipwith could have notified Rufus King of Allen's condition and King would have informed Allen's lawyers and friends. 'Mr. Barlow's letter' to which Peters re-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 720, Library of Congress and University of Vermont.



fers, was one written by Joel Barlow to his brother-in-law, a United States Senator, which was not complimentary to the Federalist Party, and informed him that the Directory intended to 'strike you [meaning the United States] in your most sensitive part, your pocket book.'

No word having been received from Allen, his friends in London were alarmed and Peters again addressed him:

NO 53 WEST SMITHFIELD, LONDON, *Apr. 24, 1799*

MY DEAR GENERAL:

Your absence for almost a year and your silence for five months have been very distressing to your friends here and detrimental to your interest respecting your arms all of which have arrived safe at New York but not disposed of when the last news about them left that country. The business you went on to Paris was short and but two points and might have been finished in ten days and sent to Mr. Slade; notwithstanding your personal detention as an American and supposed ill opinion of republic proceedings. The Court of Appeals and your lawyers think they have reason to believe you might have been permitted by the Directory to send documents to prove the sale of lands and the payment of the money for the honor mentioned as you alleged in the contract with the Directory for the arms, which contract Captain Gould took from you and never was laid before the court.

Your lawyers have lately put into court a demand on Captain Gould for that original contract and your cause will rest till June when a decision will be given as your lawyers suppose, whether they hear or not from you.

For your interest I advise those two documents may be sent to Mr. Slade as soon as possible. The Directory cannot in reason or humanity hinder them by the first cartel if policy leads them to detain your person.

I have often wrote to you on this subject in vain as yet. Hope this may find you well if not free and happy & that the time is near when we shall see you in London; though reports say you have been dead for some months; others that you went to America and others that you had been long confined in prison in Paris for being unfriendly to the Directory and the great republic.

Should you be dead, I pray the person who shall receive this letter in Paris whether Frenchman, American or Briton will send an answer addressed to me as above dated. Believing and presuming you yet live to bless your wife and friends, I presume to give you news relative to friends here. . . .

John Doe's [Ira Allen] suit against John A. Graham for the bill returned under a protest is put off to June term. . . .

Your friends here have thought proper to send Mr. Buffington to Vermont (he sailed 19th of April from the downs with Captain Lovett to N.Y.) to obtain proof of these points you went to obtain

at Paris and to get Gov. Chittenden's letter to the Secretary or President of Congress, also a proof of Mr. Chittenden and General Spafford's request to you to buy arms for the militia of Vermont. Col. Lyon will be able to procure the two first from the Secretary of Congress and other matters from Truman Squires, Sec. of the State of Vermont. Mr. Buffington will also bring proofs whether John A. Graham is or is not a partner in the house of the Grahams in Boston. Mr. Buffington intends to return and be here in four months and if you can say anything on oath touching what John A. Graham swore against John Doe, Mr. Naylor will recover the two thousand dollars and costs for John Doe and perhaps send stiff knees to Botany Bay.

I heard a report that John Doe [Allen] gave his note for three hundred pounds to John A. Graham (conditional) which was to hire Col. Graham not to swear against John Doe. This report was laid before proper councillors. Mr. Goldborn, who had the report from a man who was a friend to Col. Graham and as your name is in question as knowing something about it, John Doe is anxious to have you here. Report says Col. Graham has made some kind of relations to the underwriters against . . . his ship and cargo with a view to gain . . . he saved the underwriters 120,000 pounds.

This man John A. Graham has turned against Captain White . . . reveal a secret against White and his merchant . . . had not paid 2400 pounds worth of bills accepting . . . for Captain White since he left England. Dr. Roe [Dr. Moseley] is in decent health so is Mr. Hicks and all your friends and acquaintance. My health is mending. Let us know if possible how your health is and what prospects you have in the business you went upon. Your longer silence will cast down the spirit of all your friends and I fear prevent your lawyers giving further attendance on your concerns in court.

Our courts and lawyers do not expect impossibilities from you, but they think it possible for you to write yourself or get some friendly American, consul or Briton.

If you give no answer to this, I shall conclude with others here that all future expectations and correspondence between you and your friends here must be laid aside until 15 days have passed. I shall hope to hear from you or Mr. Skipwith. Believe me to be, my dear General, Your sincere friend and with perfect consideration,  
Your fidel,

SAMUEL PETERS

MAJOR-GENERAL IRA ALLEN  
PARIS, chez M. F. Skipwith  
Consul de l'Amérique<sup>1</sup>

The anguish that Peters's letter caused him is outlined in the following letter to Mrs. Barlow, May 16: He enclosed an extract from the letter

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 735, Library of Congress and University of Vermont.

that Mr. Skipwith and others may see the situation of my friends and business there and assure you that I can't possibly compose myself to learn French in this place when I consider the false deposition of J. A. G. determines a cause of six hundred pounds against me in favour of the house of H. B. Graham & Co, with whom I never had the least dealings. The loss of the money I do not value but that my friends should meet with trouble and imprisonment on my account is too much for a man of sensibility and property to dispense with; it is also unpleasant to reflect that the villian who gave the deposition will have the pleasure of spending the money. It appears that the Lords of Appeal have continued my cause but no time is to be lost. These matters, the anxiety of my family and derangement of my business in the two Hemispheres are too much to be passed in silence especially in a prison destitute of money and every convenience of life.

He assured Mrs. Barlow that no act of his life

ever operated against the Republic of France. . . . I am quite at a loss what I can do, shall therefore deliberate a few days longer in hopes of seeing somebody . . . in the mean time must ask the favor of a few bottles of Bordeaux wine, some fresh meat, butter, cheese and bread and hope you will soon regain your health.<sup>1</sup>

Mrs. Barlow was ill, but she sent him the food he requested; she had no Bordeaux, but sent him some 'Roussillon.'

After deliberating the matter for two days, he wrote, on May 18, a letter to Barras, which he described as 'short and expressive,' and sent it to Citizen Volney, whom Mrs. Barlow considered the most influential citizen in Paris with the Directory, and who was with Allen and introduced him to Barras at their meeting in December. To Volney he wrote:

If this explanation doth not induce the Directory to give you a licence to visit me and you do not make me a visit, it will not be necessary for me to trouble you with another letter from this place, yet I do not despair of success, a few days will decide.<sup>2</sup>

Receiving no response from either Barras or Volney, he again wrote Mrs. Barlow, who always answered his letters:

PELAGÉE PRISON PARIS *June 7, 1799*

DEAR MADAM;

In consequence of the Doctors calling on me yesterday with some medicines and knowing of my necessities for money to assist in gaining my health, he informed me that there were people in Paris that

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 740, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 748, *ibid.*



would advance the money if I had friends that would satisfy them I was a man of property which I think is not difficult to do, there are two histories in Paris that mention my giving four thousand pounds to the establishment of the University of Vermont. The particulars of the *Olive Branch* has a certificate in it showing me to be the owner of more than 200,000 acres of land etc in Vermont. What Americans there may be in Paris who are acquainted with these facts I know not. If you will make inquiry, you will oblige me for by some means I must have money I do not value the sacrifice of property for sufficient for my expense and to pay what I have borrowed. Must crave your attention in these matters and to call on me as soon as may be convenient and I will do anything in my power to give sufficient and satisfactory security for money to answer the whole or any part of the purposes aforesaid — In the meantime you will oblige me by sending two crowns for present use, for I have not one livre. I ask your pardon for the mistake in the name in the address of a letter for money I was unacquainted with both.

Your most obedient humble servant,

IRA ALLEN <sup>1</sup>

MRS. BARLOW.

This is the third attempt I have made to get a letter to you. Same question arose with Madam Mitchell and when out of money; I have nothing to eat, the jailor gives no credit — I wish at least a line to know when you receive this, two crowns have also been requested by the commissioner.

A letter, written June 11, by Mrs. Barlow, discloses Allen's condition as well as that of his friends.

I have neither health or spirits sufficient to see you, unless there was some pleasing news to communicate to you, it is too painful to witness sufferings which it is not in our power to relieve; my seeing you can do you no good, I can not procure a louis for you, if my life depended on it. I have represented your case to all the Americans that I know, but to no purpose; if the Doctor knows of [any] body who would give you money on your bills, it is best he should do the business, for it certainly is not in my power — tho' I will deliver any letter for you if you know of any body who would serve you. I send you two crowns but can send you no more. I send you likewise some wine &c and two pair of stockings and a pair of shoes; you can write with safety whatever you wish to communicate.<sup>2</sup>

On June 18, in a *coup d'état* the legislative power compelled two members of the Directory to resign, La Réveillère and Merlin.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 752, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, New York State Library, Wilbur Photostats, No. 550, *ibid.*

Arena informed the Council of several facts, tending to inculcate the Directors and the Minister of Police, in whose office he said they had been continually employed during four and twenty hours, in burning papers; these papers, he added, would without doubt have discovered the arbitrary and illegal measures of the Directory and have thrown a new light on the conspiracy.<sup>1</sup>

In less than two years, from September, 1797, to June, 1799, three violent shocks occurred which shook the Constitution in its very foundations.

Liberty of the Press, Justice, toleration, humanity, respect for the law and for institutions — of all these the Directorate makes mere counters, with a combination of cynicism and hypocrisy of which no other period of our [French] history probably furnishes as perfect example.<sup>2</sup>

Allen in prison heard of the changes taking place in the government and decided to appeal to the legislative authority and the Department of Justice. He, on June 29, sent Talleyrand copies of letters he had sent to 'The Council of Five Hundred,' 'Council of Ancients,' and 'Committee of Eleven,' adding,

I expect that speedy justice which my Character, exertions in the Cause of republics, donations made and contemplated to be made to literary institutions for the good of society and to perpetuate republican government entitles me to.<sup>3</sup>

The following day, in a letter to the Minister of Justice, he wrote of his early experience in creating the Republic of Vermont, of his losses by detention with no charge against him, and of the powerful influence that prevented his friends from calling on him. He concluded, 'being one of the oldest and tried republicans in existence makes the idea of dying in a solitary prison unnoticed, more painful to a man of spirit and sensibility than death itself. I therefore demand a speedy decision.'<sup>4</sup> The letters of these days disclose his desperate condition. He began to think he was going to die in prison.

No one in France could ignore all the influence he brought to bear on the Directory but Barras. He personally had nothing against Allen, and would not have withstood the appeals

<sup>1</sup> The North Carolina *Minerva*, Raleigh, Tuesday, September 10, 1799.

<sup>2</sup> Barras, *Memoirs* (New York, 1896), p. xviii.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 756, Library of Congress and University of Vermont.

<sup>4</sup> Wilbur Photostats, No. 757, *ibid.*

made by Paine, Kosciuszko, Barlow, Volney, Skipwith, Talleyrand, and others, had he not been liberally bribed by the captors' money, or influenced by the desire to obtain information compromising some political foe. These were the only motives that could have induced him to continue the imprisonment of a man like Allen, whom he had met. Barras was a pleasure-loving man who, to gratify his pleasures, made gold his Deity. In his statements to Barras and others Allen always claimed that four fifths of the purchase price was due France. If he had paid nothing for the arms, he would have stated the actual sum due France, not four fifths. Carnot or Clarke would have arranged with him that what he should say would conform to the statement sent by Talleyrand to the Minister of Finance, August 30, 1798. Talleyrand's statement that Allen still had one half or fifty thousand florins of the rescriptions was only consistent with the statement that Allen had been given one hundred thousand florins. What influence but British gold paid to Barras could have caused him to ignore all appeals in behalf of Allen?

Mrs. Barlow, on June 30, wrote:

will do everything in my power . . . it is impossible to hurry these great folks. . . . I expected an answer today but have none yet. . . . We do not forget you and were it for ourselves could do no more . . . have patience you will soon be free I am sure. I will try and get some money tomorrow. I send a bottle of wine &c.<sup>1</sup>

This good Samaritan saved his life at this time, his darkest hour just before the new day.

Joel Barlow wrote two days later:

I expect to hear this day that you are out of prison if not I will endeavor to see you tomorrow.<sup>2</sup>

Again he wrote July 6, concerning the possibility of raising money for him:

I do not suppose that all the lands in Vermont would raise one louis [\$4] in Paris at this moment. You speak in your letter to Mr. Melville of resourses you have in England, you have been eight months in the same situation as now, it is natural I should think for Melville to ask what those resourses are and why you have not

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 562, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 563, *ibid.*



brought them forward before now. It does not belong to me to criticise your letter to him, or to point out what specific proposal you ought to make him being myself ignorant of money transactions, but I am convinced that Melville as yet has no confidence in a reimbursement and certainly you know better than I do the means you have in your power to inspire that confidence. It is my opinion that what he has done hitherto has been *from charity* without any expectation of repayment and he may think that his charity has gone far enough. But all this is mere conjecture for, as I told you, I don't know Mr. Melville, I only know he bears a good character among the Americans here, I will send you his answer as soon as he returns one to your letter. Excuse my plainness. I only mean to give it as my opinion, *that lands in America cannot be negotiated here; that charity cannot be relied upon for the sums you want.* [£300.] and that if you have any other resources at command, a man of Mr. Melville's mercantile exactness would doubtless require that they should be brought into view or proved to exist, before he would make advances on that score.

I will occupy myself in trying to obtain your liberation from prison, but I can do nothing about lands, nor be of any use to you that I know of in negotiating about funds, except that I will convey your letters and answers.<sup>1</sup>

Allen's reference to his resources in England undoubtedly referred to the large equity he had in the arms. He had every reason to think that they had been sold to Vermont and New York for from one hundred to one hundred and fifty thousand dollars and Bird, Savage and Bird, bankers, could not have a claim for more than ten or twelve thousand pounds, or fifty or sixty thousand dollars, which would cover the amount the arms were appraised at, all advances and expenses.

He met all sorts of political offenders and other criminals in prison. Suspecting an intrigue against him, he wrote 'To the Gentleman of No. 9, same lane,' on July 9, that he would have nothing more to do with him or No. 11, and that he thought that the French Government had been lenient in sentencing him to only five years imprisonment. It was a daring letter demanding unusual courage, as No. 11 had to read it to No. 9.<sup>2</sup>

A letter to Dr. Swedieaur told of his severe night sweats: how he had, as directed, bathed his feet and up to his knees in cold water just before going to bed, but his feet remained numb until near morning. He was so ill that night, he was

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 1073, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 758.

obliged to remain in bed until twelve o'clock the next day. He hoped he could be transferred to the Temple, where he could take a hot or cold bath.<sup>1</sup>

He was not released, and on July 10, wrote Mrs. Barlow, 'I cannot keep silence.' He then requests a 'decisive answer whether my letters to the Council of Ancients, Council of Five Hundred and Minister of Justice have been duly delivered.'<sup>2</sup>

Mrs. Barlow acknowledged, on July 13, the receipt of Allen's letter of the 10th, and informed him that Mr. Barlow or Thomas Paine would call the next day. She informed him that she was going into the country for several days. She again urged patience, 'though it is hard to practice in your situation.'<sup>3</sup>

Allen sent the messenger back with the following reply:

PELAGÉE PRISON, PARIS, *July 13th 1799*  
4 o'clock P.M.

DEAR MADAM:

I received your obliging note in answer to mine of the 10th inst. in which I observed that I was apprised of intrigues against me which more fully appeared yesterday. The applications of Messrs. B and P. most probably will not be effectual unless they make me a visit without delay which I suppose they will meet with no difficulties in. If either of them were to call on the lady of the house to see me. In case any business prevents them hope to see you tomorrow. It is absolutely necessary for those who are obliging enough to act for me should have frequent interviews with me that the necessary measures should be taken to guard against every intrigue that may be possible to be made use of. Any expense etc. that may arise shall be honorably compensated. I write this from the fullest conviction of the necessity of seeing some of my friends as early as may be tomorrow after eight o'clock in the morning. I am neither blind mad or more impatient than a justice due to myself family and friends makes necessary for the present moment. I cannot further urge the seeing some person tomorrow. Your most obedient humble servant,

IRA ALLEN <sup>4</sup>

On July 21, not knowing that Talleyrand had resigned as Minister of Foreign Affairs only a few days before, Allen wrote him that he had been able by a memorial to induce the Lords

<sup>1</sup> Wilbur Photostats, No. 759, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 560.

<sup>3</sup> *Ibid.*, No. 566.

<sup>4</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 761, *ibid.*

of Appeal to postpone action, that his friends had sent Mr. Buffington to the United States, as related in Peters's letter, and that it was more than ever necessary for him to obtain his release.<sup>1</sup>

He learned through his messenger that Talleyrand was no longer in office, so, on July 23, he sent a copy to Joel Barlow and in addition enclosed a copy of his letter of May 17. 'Any information you can consistently return by the Commissioner Mrs. Mitchell will be greatly received.'<sup>2</sup>

Barlow replied to this the next day:

Eight days ago I had a promise from the police that your affair should be examined and reported in three days. I have just now come in town after seven days absence, and will discover as soon as possible what is the difficulty and let you know. I have just received your letter and will do all I can to aid you.<sup>3</sup>

Allen now began to inform the new officials who he was and why he had come to Paris, but they were occupied with new duties and gave little heed to his appeals. Mr. Melville, through Mrs. Barlow, sent him five louis, but told her it was the last he could send.<sup>4</sup>

At home his affairs were most unsatisfactory; evidently Hathaway took the opinion obtained by Hull in Boston regarding the Catlin judgment against Allen and exhibited it to the Catlins, for, on June 6, the following bond for a deed was given by Catlin:

Know all men by these presents that I Moses Catlin of the town and county of Litchfield and State of Conn. and held am firmly bound unto Silas Hathaway in the penal sum of thirty thousand dollars for which sum I bind myself my heirs executor administrators firmly by these presents. In witness thereof I have set my hand and seal this sixth day of June 1799.

The condition of this bond is such that whereas the above bound Moses Catlin has this day bargained and sold to Silas Hathaway Esq. a certain piece of land lying in Colchester in Chittenden County State of Vermont containing 373 acres lying on Onion river opposite to the grist mill in Burlington. For further particulars reference to be had to the survey made last fall and recorded in the town clerks office in Colchester by Jabez Fitch Marshall on a writ of execution in favor of Moses and Lucinda Catlin against Ira Allen. Now it is

<sup>1</sup> Wilbur Photostats, No. 762, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 764, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 574, *ibid.*

<sup>4</sup> *Ibid.*, No. 676.



understood that the said Moses is to give to the said Silas his quit claim deed of said land not in such a way as that he shall be answerable to pay the money to Ira Allen in case the said Ira shall get judgment set aside but the intention is that the said Moses is to give up all his claim to said land that he may have in case there should be no reversal of the judgment, and it is well understood by both that the said Moses is to give no title that shall [involve him] in such a situation that it cannot go back into the hands of Ira Allen if in case said judgment should be reversed. And it is also understood that it (blurred) with the said Silas if the lands by reason of reversal of said judgment go back into the hands of said Ira Allen or to take an acquittance from the said Moses because the said Silas considers his title to be good if the lands should go back into the hands of the said Ira Allen again or to have a quit claim deed from the said Moses and the said Moses agrees to give up to the said Silas and convey over all his possessions and leases by the tenth day of August next and also that the said Moses give his quit claim deed as above written by the first day of October next, then this obligation is void and of no effect otherwise to remain in full force, power and virtue and the said Moses agrees that it shall be free from any act or incumbrance done by me.

Signed

MOSES CATLIN <sup>1</sup>

PHINEAS LYMAN  
PHILO BERRY

As in Hull's deed to Hathaway, Catlin was careful to provide against damage to him in case Allen should recover, which a doubtful or guilty conscience would dictate.

Affidavits were being obtained in Vermont during July to send to London to verify Allen's statements. General Woolsey wrote reciting his recollection of the transactions with Allen concerning arms. Woolsey's letter closed with the statement that when Allen had written him from London that he had been 'stopped' in England, but would soon ship arms to New York, and that New York could have what Vermont did not want, he had at once sent the letter to Governor Jay.<sup>2</sup>

Hathaway, to acquire successfully thousands of acres of Allen's land, had engaged the services of William C. Harrington, of Burlington.<sup>3</sup> Pressure was brought on all members of the Allen family which included all of the Enos family. Roger

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 751, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 763, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 3063, *ibid.*

Enos, Jr., was in jail in Burlington in August, evidently put there by Hathaway, for, on August 21, he wrote Hathaway, if he did not at once obtain his release, he would take the poor man's oath.<sup>1</sup> He wrote his parents that, if he could escape, he would travel by night and they would not take him alive.<sup>2</sup>

On September 11, Mrs. Allen wrote to Noadiah Bissell:

DEAR BROTHER, I have this day written to Judge Ellsworth and enclosed a packet to Mr. Allen, and wish you to write and impress upon the Judge the necessity of his interference — one year has elapsed since the date of my last letter from Mr. Allen. I learn he was confined in the Temple in January last and was set at liberty for a few days and was again arrested, since which I can get no information whatever relating to his situation — His affairs in this country are extremely perplexed, and are daily growing worse — I am at a stand to know what to do, on the one hand, I see Mr. Allen confined in France, and his property all going to ruin, on the other there is a distant prospect of his speedy return; a large property can now be saved out of the wreck, but I fear it will soon be too late. This cannot be done without disconcerting his plans, and the fear of his disapprobation and that it may finally not terminate for the best prevents me. Possibly some information respecting the value and currency of the dutch paper in France may be obtained by Judge Ellsworth. The Supreme Court sits on the first day of January next, when I shall want you as a witness in the Blake cause. I expected to have made you a visit this fall, but can't get money for the journey. I wish you to write me as often [as] convenient; some time has passed since I have heard from you. Myself and family are all well, and send their compliments to you and yours.<sup>3</sup>

I am sir your friend and humble servant

JERUSHA ALLEN

Mrs. Allen's reference to 'a large property can now be saved' undoubtedly refers to an offer Allen long afterwards claimed that Hathaway made, of giving her one hundred thousand dollars if she would sign away all her dower rights in her husband's lands. About this time the heirs of Ethan Allen began to bring suit in the Supreme Court against Allen to obtain a share of the lands being taken over by Hathaway.

Allen received no news, and on August 6,<sup>4</sup> wrote Mrs. Barlow, who replied she had seen 'Barras and all the new Ministers; Talleyrand had written to the former Minister of Police

<sup>1</sup> Wilbur Photostats, No. 3064, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 3072. <sup>3</sup> Vermont Historical Society.

<sup>4</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 768, Library of Congress and University of Vermont.

that he knew nothing against you and thought you a good republican.' She wrote she supposed he had been released.<sup>1</sup> As still nothing happened, he wrote her again on the 13th, inquiring if the plenipotentiaries from the United States had arrived. 'Milton's description of [Hell] is a faint emblem of this place.'<sup>2</sup> She replied that she had seen the new Minister of Police 'two days ago. He told me he knew nothing of your affair, or of Mr. Talleyrand's letter, but he assured me . . . you should have justice done you. . . . I go to-day at two o'clock for an answer.'<sup>3</sup> She also had to tell Allen's story again to new secretaries in all the offices.

Allen decided, if he ever was to regain his liberty, it must be by some bold stroke. He had always believed in the printing-press and now decided to try it in Paris. Early in the year he had tried to resort to it, but Barlow and his other acquaintances were afraid to take part in that method. On August 30, he wrote the following:

*To the Minister of Justice in Paris*

CITIZEN,

When I left the United States in the year 1795, I was the oldest major general in the state of Vermont. I early took a part in favour of republics, first in espousing the cause of the people of the District of the New Hampshire grants, now Vermont; then exerted myself in the whole course of the American war for the independence of the United States. I have, from the commencement of the revolution in France, been a friend to Republican government therein; yet, coming into France with regular passports, in consequence of previous mercantile contracts with government itself, I have been detained more than fifteen months, repeatedly arrested, imprisoned, etc, without any reason assigned therefor, or answer to the most pressing statements I can make, to the distress of my family, loss of contracts, derangement of business, to the injury of my property, from the best estimates I can make of more than one hundred thousand guineas. From the extensive property I possessed in my native country, consisting of more than 200,000 acres of land \* on which are many buildings, extensive settlements, etc, I am reduced to the most pitiful necessities, in bad health, which renders life doubtful in existing circumstances. My friends are not admitted to visit me; I cannot any longer obtain subsistence money. To submit to exist on

\* I refer to the documents of my property at the minister's of police.

<sup>1</sup> Wilbur Photostats, No. 586, Library of Congress and University of Vermont.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 769, *ibid.*

<sup>3</sup> Wilbur Photostats, No. 569, *ibid.*



the rations and clothes of a prison, my soul recoils. Near two months ago, through the interference of my friends, I am informed that the president of the Directory declared that he knew nothing against me; the minister of foreign affairs reported that there was nothing against me in his office; that he believed me to be a good republican and a friend to this republic; the late and present ministers of police have both reported that there was nothing against me in the office of police, that I should be immediately liberated; yet, through the multiplicity of business, or otherwise, the united efforts of my friends etc. are not sufficient to regain that liberty which I have often risked my life for. Under these afflicting circumstances, and being one of the oldest and tried republicans in existence makes the idea of dying in a solitary prison unnoticed, more painful to a man of spirit and sensibility than death itself. I therefore demand a speedy decision, in such way and manner as may be consistent with the constitution and laws of this republic; that I may have an opportunity to answer in my own defense, vindicate my character and cause or suffer the consequences.

I am, with high consideration,

Your most obedient humble servant,

IRA ALLEN <sup>1</sup>

ST. PELAGÉE PRISON, PARIS

August 30th, 1799

On August 31, Mrs. Barlow wrote sending him a louis and four crowns:

I have this moment come from the police. . . . it now depends on the Directoire to give an order for your release. . . . I have got General Kosciuszko to speak to the Directoire today, likewise to La Gorde the Secretary of the Directoire, to know what occasions this delay and to represent your case. . . . I shall persue the business in every way until you are released so keep up good spirits.<sup>2</sup>

He wrote Barlow that he was out of money and very ill. Barlow answered:

I have no money, and you must take some effectual means of procuring a sum sufficient to carry you out of the country when out of prison. It is not probable they will allow you more than twenty-four hours in Paris. Accept six livres.<sup>3</sup>

This was far from cheerful, but Barlow could not properly

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 770, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 602, *ibid.*

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 1076, Library of Congress and University of Vermont.

estimate Ira Allen. He evidently had little faith in either his wealth or influence, for the interest he took was largely through his wife's importunities.

Allen learned that Citizen Petiet, who had signed his contract in 1796 as Minister of War, was again in Paris. He wrote him, on September 4, giving a history of events from that date and referred him to his 'History of Vermont' and the book on the Olive Branch. 'I ask your pardon for opening up so large a field for investigation.'<sup>1</sup> Petiet replied at once that he would do all he could for him.

On September 9, he received a friendly letter from R. B. O'Reilly, stating that he had translated Allen's letter to the Minister of Justice and delivered it into his hands.

Keep up your courage a few days longer and all will go well.

P.S. I beg you not to mention my having interfered for you till you get out of Prison.<sup>2</sup>

He now made his last bold and, this time, successful effort with the following:

*To the President and Members of the Councils of Ancients and  
Five Hundred, in Paris*

CITIZENS LEGISLATORS:

From a prison I address you, as the legal representative of a free people, who have astonished the world by the grand efforts they have made, and are making, in the cause of liberty and the equal rights of man. Permit me to observe, that I am one of the oldest founders of the State of Vermont, formally stiled and known by the name of the District of the New Hampshire grants; that the people of that district assumed to themselves the powers of Civil and Military government, in opposition to the claims of the late royal colony of New York, antecedent to the revolution of America; that I was amongst the first that took an offensive part against Great Britain in the American War, in taking the garrisons of Ticonderoga, Crown Point, &c. on the 8th of May 1775, and claim rank amongst the first patriots of American independence; Was principal founder of the University of Vermont; I had contemplated the establishment of a number of literary institutions, amongst which was a female academy, on a more extensive plan than before established. Thus by extending information to all orders of people, I felt a satisfaction in the prospect of extending the blessings of a free government to ages yet unborn, in my native country.

I challenge the universe to produce one single act of my life

<sup>1</sup> Wilbur Photostats, No. 771, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 775.

counter to that of a true republican, or against the republic of France. Yet, citizens, legislators, coming into France with regular passports, in consequence of previous mercantile contracts, and those with government itself, I have been detained near sixteen months, and I am now in the thirteenth month of solitary imprisonment, without the least explanation or reason therefore, notwithstanding the incessant applications of myself and friends, both to the Directory and its ministers. Is such treatment consistent with the Constitution and laws of this republic? or is it a just reward for early exertions in the cause of Republics, which may in some degree have contributed towards the existence of this Republic? Citizens legislators, through you I demand justice of the French nation, and subjoin my letter to the Minister of Justice, in Paris.

Health and respect,

IRA ALLEN

ST. PELAGÉE PRISON, PARIS

*September 9, 1799*

Copies of this letter and the one to the Minister of Justice were sent to Mrs. Barlow and Mrs. Herrisse, Allen's other loyal friend in Paris, with a request to translate them and print one thousand copies of each, sending one to every legislator, to all the French Ministers, generals, and every public officer in Paris. Mrs. Barlow wrote that General Kosciuszko was going to the Directory the next day, but that she would get his declaration translated and printed and 'publish it in the papers.'<sup>1</sup>

On the 11th, a friend of the Minister of Police called on Allen and proposed that he write to his friends in Paris 'to give bonds for his good behavior, and that he would remain in Paris.' This Allen refused to do.

He was then told he must stay there, when he declared he would not. At which Mr. Balsa smiled, pointing to the large iron grates of the windows; when he [Allen] assured him he would soon leave that place, and shewed him receipts from the Secretaries of said Councils, Minister of Justice, and Mrs. Barlow for copies of said letters delivered to them, observing that he believed he had friends enough to release him in some way. Mr. Balsa returned to the Minister of Police General, who went to the directory that evening.

The Minister made the following report:

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 681, Library of Congress and University of Vermont.



*Decisions of the Directory*

ADOPTED

THE 26 FRUCTIDOR, 7 YEAR

September 12, 1799.

*Ministry of Police*  
*General of the Republic*  
*1st Section*  
*Private Office*

*Statement to the Directory Executive*

It is proposed to liberate  
 the named IRA ALLEN

*Citizen Directors,*

The named Ira Allen, native of the United States, detained about one year, claims his liberty; his claims being supported by *Citizen Skipwith*, ex-Consul general from the United States to the French Republic.

I have examined documents concerning this individual, with the result that the said *Ira Allen* empowered by the *Governor of the State of Vermont*, and authorized by an order from the Directory which had been communicated by the Minister of War, *Petiet*, purchased from the latter about the month of (June) Messidor, 20,000 guns with their bayonets and 24 pieces of cannon of four pound balls; that fifteen thousand guns and twenty-one pieces of cannon were embarked at Ostend from whence he sailed for the United States. Met at sea by an English vessel of 74 cannon, *Ira Allen* was taken to an English port and his ship confiscated with its cargo. The Court of Lords to whom he appealed the judgment of the Court of Admiralty restored his property on bail and on condition that he repair to Paris to obtain the original instructions from Governor *Chittenden* for the purchase of said arms, and new proofs that the payment had been effected.

*Ira Allen* returned in consequence to Gravelines [from] whence he departed for Paris accompanied by a municipal officer.

Your predecessors, to whom he came to obtain the documents he needed, informed him of the day when he could expect same. It was at this time that he was arrested and detained in the Temple, where he stayed three months, and at the end of this time he was liberated and about a month later rearrested by an order of Citizen Martin, Justice of the Peace, attached to my predecessor and conducted to Pelagée prison.

The two interrogations to which he has submitted reveal only the facts herein detailed.

His papers given for examination, far from showing intentions against the Revolutionists offer proof of his attachment to republican principles and his affection for the French Republic.

The Minister of Exterior Relations, consulted on the reasons for his imprisonment, responded that, far from giving any good reason for the cause of the detention of *Ira Allen*, he had never known any at all, and had always felt that he had been badly treated in this affair; he had often written and spoken to my predecessors to say

how impolitic their treatment of Ira Allen was and he finished by again assuring that far from knowing any motive for his detention he had serious ones to be astonished at it (his detention).

After this statement, I propose to you the following order:

(Signed) C. FOUCHÉ

Order to liberate, signed the 26 Fructidor 7 year (September 12, 1799).

Citizen *Ira Allen* shall be liberated and his papers returned to him.

The Directory charged Fouché 'with the execution of the arrête, which shall not be printed.' This last may have some significance.

Allen, not knowing that the order had been signed for his release, or possibly having received a hint that the Directory wanted to know his attitude, wrote Petiet again September 13:

With pleasure I see the prospect of being released. . . . The French Government have nothing to fear from me that the injuries I have sustained by the missjudging of those who have both injured their country and their own characters, will induce me to take a part against the French cause, which I consider the sacred cause of liberty, for which I have been a warm advocate for thirty years. That none of the vicissitudes of life have in the least altered my principles or determinations. I am the same person that contracted with you for arms &c for the use of the Militia of Vermont in July 1796. Please send me a confidential interpreter through whom I may further convince both the Directory and yourself of my zeal for the Cause of liberty.<sup>1</sup>

Petiet was a counsellor in the Department of Justice and undoubtedly imparted this to the Directory.

On the 14th he was given his liberty, and all of his papers in the office of the Minister of Police-General were returned to him with a card of safety allowing him to remain in Paris during his pleasure. He owed his release to the change in government, to his persistence in addressing the Directory and Ministers, and to the continued efforts in his behalf of Mrs. Joel Barlow.

The French tragedy was ended, but he was ill, penniless, in debt to every one of whom he could borrow, and had no clothes to wear. He was received at the Boston Hotel and he put himself under the care of Dr. Swedieaur, but it was some

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 778, Library of Congress and University of Vermont.

time before he was able to be out or to attend to his pressing affairs. He was anxious to have the doctor obtain an analysis of the pills given him in prison, but he declined, adding that had he said anything in prison against the pills he would have been ordered out of Paris.

On October 15, Allen drew a draft on Bird, Savage and Bird of London for four hundred pounds. This, with a letter to them and a short letter to Slade, inquiring the condition of his cause, he sent to a Hamburg house with the request that they forward it and, when the draft was paid, remit the money to him. The draft was refused, but Allen did not know this for some weeks. While he was convalescing at the Boston Hotel, Napoleon, back from Egypt, landed in France on October 8, reaching Paris a few days later. 'On October 17, the Directory summoned General Bonaparte to a private sitting.'<sup>1</sup> They offered him the command of any army he would choose. On the 18th Brumaire, Year VIII, November 9, with Napoleon in command of the troops in Paris, the last *coup d'état* occurred.

The Directory was abolished, but, before this was accomplished, Talleyrand, who held no office, was sent to Barras, who was in his bath and would see no one. When Talleyrand's name was announced, he came out. 'A guilty conscience made him like wax in the hands of Talleyrand, who successfully pleaded with him to resign, and secured his signature to a form, prepared in advance.'<sup>2</sup> Undoubtedly it was Barras who had accepted a bribe to keep Ira Allen in prison and Talleyrand must have known of it. Allen had previously arranged with Talleyrand, to settle in full for the arms if he could get all the papers to prove his case; it is needless to say Talleyrand was to get a large share if not all of the cash Allen was to pay for this. On the day the settlement was to take place, Allen was arrested. Naturally Talleyrand would inquire who was concerned in spoiling his trade with Allen. No one but Barras was strong enough to prevent an order being given the Minister of Police at once to release Allen. Barras, with great wealth, retired to his estate in the country, where he suffered for years, hardly ever leaving a wheel-chair. Talleyrand, because 'he was the most adroit diplomat of an age devoted to diplomacy,' was forgiven for his base desertion on the eve of the Egyptian

<sup>1</sup> Bourrienne, *Life of Napoleon*, vol. 1, p. 239.

<sup>2</sup> *Napoleon Bonaparte*, Sloane, p. 107.



expedition,<sup>1</sup> and was again appointed Minister of Foreign Affairs.

Carnot, by his 'Castigation of the Directory in his widely read defence, had done much to undermine their prestige and hasten their fall.'<sup>2</sup> This possibly had affected Ira Allen, as Barras knew he had made his bargain with Carnot. 'The Republic, which, as early as 1795, had fallen a prey to the corrupt and cynical Thermidorians, was dead in 1799. But its death certificate had not yet been registered; the 18th Brumaire saw to this.'<sup>3</sup>

Carnot came back to Paris and was made Minister of War. It was his opinion that, on account of the disrepute of the Directory, if Napoleon had not effected the *coup d'état*, some other general would have done so. Carnot and Talleyrand, the two ablest politicians in France, were friendly to Ira Allen, and, when Napoleon was made Consul, General Clarke became commander of the forces in Paris. With such friends in power Allen felt secure and during these strenuous days in Paris no harm or annoyance came to him.

The treatment accorded to Ira Allen by the Legislature of Vermont proved the paradoxical statement, attributed to Talleyrand: 'There are services so great they can only be repaid by ingratitude.' No public body could have shown greater ingratitude than was shown by the Legislature of Vermont to the Founder of the State and of its university. It met at Windsor and Isaac Tichenor was again elected Governor. Jonathan Robinson represented Bennington, Hathaway, St. Albans, and his attorney, W. C. Harrington, Burlington. The last two, who were engaged in appropriating Allen's lands, would naturally vote against any measure that would benefit him. Harrington was one of the most active and influential members. At the session held in October, 1798, a resolution of confidence in President Adams was adopted and a copy sent to the President. In his reply, dated November 30, 1798, which was now laid before the House, he stated:

Among all the addresses . . . there has been none more acceptable to me, or which affected my sensibility . . . a State that within my memory has been converted from a wilderness to a fruitful field; knowing as I do your origin and progress, and the brave, hardy, industrious and temperate character of the people.

<sup>1</sup> Sloane, *Napoleon Bonaparte*, p. 131.

<sup>2</sup> *Ibid.*, p. 130.

<sup>3</sup> Barras, *Memoirs* (Harper Brothers), vol. 3, p. xiii.

Both he and the Legislature seemed to have forgotten the man who, more than any one else, had converted the wilderness and who, when this letter was written, was lying ill on a bed of straw in a cold prison in France. Adams closed his letter, criticizing the French and adding, it is 'impossible for us to follow them in their actions and projects of government.' All which, when transmitted to France, as it was, did not tend to help Ira Allen.

Allen's appeal, or petition to the Legislature, dated at Paris, August 23, 1798, requesting them to pay the charges against his arms, was laid before the House by Tichenor with the statement that it had not been received by him until November 17, nine days after the adjournment of the last annual session. It was read and ordered to lie on the table. On Thursday, October 24, General Cogswell and other officers of the militia petitioned that measures be taken to furnish the militia with arms. The committee appointed to consider the matter reported that, owing to the taxes imposed by the United States, expenses of our own government, the expense of Council of Censors and the 'dearness of arms,' the matter be referred to the next Legislature. 'Report accepted.'

This was the last chance to buy Ira Allen's arms for the Vermont militia. They were now deteriorating rapidly. The action of the Legislature was indefensible. If Tichenor did not receive Allen's petition until November 17, almost three months after it was sent, and it was not one of the letters held by the Minister of Police, it was known and reported to the session of 1798 that Allen's arms were in New York. General Cogswell and others knew it and must have told the Governor. What a small acknowledgment of Allen's many services to the State it would have been, for the Governor to have called a special session and have taken action at once! Allen was relying upon the acceptance of his offer to the State, as he knew they needed the arms and was planning accordingly.

On November 14, he received letters from London,<sup>1</sup> and at once wrote Dr. Moseley requesting him to ascertain just what evidence Bird, Savage and Bird now expected him to obtain. He wanted this to exhibit to Carnot and others to enable him to procure everything necessary.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 789, Library of Congress and University of Vermont.

On November 25, his friend in Gravelines wrote that she had received three of his letters in eleven days by different messengers and had forwarded them to England and had paid at Mr. Manneville's request nine louis of the ten she had which belonged to him.

I have sent three letters by the same way which you never honored me with the least answer. I will not reproach you, who [how] soon you forgot your friends of Gravelines . . . but I really thought you knew by experience if I deserved the title by the application I had for your business.

She then wishes him every success and knows by his letter he has had great misfortunes.

Mr. Turlotte and my husband's best regards and I remain for ever, your humble servant,

DOROTHY AGER<sup>1</sup>

She did not know of his illness, and of his inability to pay the postage on any but the most necessary letters. But for the aid of Dorothy (Cleda) Ager and Rebecca Barlow, a still darker stain would now be on the escutcheon of Vermont.

On December 16, Allen addressed the following letter to General Clarke:

DEAR SIR:

I have introduced my business to the Minister and shall wait the result. In the course of my late visit to France I have expended about £400, sterling [two thousand dollars] most of which I have borrowed in Paris, as I was not prepared for a long visit. I submit the propriety of having the loan of a sum to discharge my engagements and for expended money during the time it may be necessary to remain here; which I will replace to any officer of this Government in the United States on my arrival there. In the mean time will be much obliged to you for the loan of 15 or 20 louis, for I assure you I am out of money and have borrowed of my friends till I cannot with propriety ask for more. I have drawn a bill on London through the medium of Mr. Peregan the banker in Paris, but by private letter received learn an intregue will prevent an answer till I send the proofs required.<sup>2</sup>

Clarke responded at once with twenty louis.

This closes the year 1799, and as yet Allen knew nothing of the treatment accorded his petition by the Legislature of Vermont, or of the action of Hull and Hathaway in sequestrating his lands.

<sup>1</sup> Wilbur Photostats, No. 890. Library of Congress and University of Vermont.

<sup>2</sup> *Archives Nationales*, A.F. 111, 540 (3583), No. 99.



## CHAPTER XXVIII

### FRENCH AND BRITISH QUIBBLING: FRIENDS ABROAD AND ENEMIES AT HOME

1800

ON Allen's release from prison, Dr. Swedieaur, by careful treatment and rigid diet, restored him to a fair degree of health after five months. The tailors' bills prove his fastidiousness, and furnish a fair picture of his personal appearance in velvet knee breeches, silk stockings, and choicest linen, with silk waistcoats and other necessities to match.<sup>1</sup> On January 2, he wrote to Robert Slade:

Your letter of the 6th of November has been eight days in my possession [delayed by illness] (I am surprised at the profound silence of Messrs. Bird & Savage) and shall pay attention to it, and furnish additional facts as their Lordships gave leave to introduce new matter. Shall make every possible exertion to have the whole accomplished in a short time . . . expect the cause continued until my arrival [in London] I have the pleasure to inform you that my health is nearly restored. Since my recent liberation you must be sensible of the embarrassments I experience in accomplishing business, which must apologize for delays.

P.S. Please to give my best compliments to Dr. Moseley and all friends.<sup>2</sup>

On February 14 he wrote Citizen Carnot, now Minister of War under Napoleon as First Consul:

Permit me, Citizen, to felicitate you on your safe arrival in your native Country. I should be extremely happy in having the honour of an interview with you for a quarter of an hour and I beg leave to desire you to fix it in the shortest delay. Health and Respect.

IRA ALLEN

HOTEL DE BOSTON, RUE VIVIENNE. <sup>3</sup>

On February 20, John Williams, the American shipping agent at Ostend who loaded Allen's arms, drew on him for

<sup>1</sup> *Stevens Papers*, New York State Library, Wilbur Photostats, No. 811, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 795, *ibid.*

<sup>3</sup> *Stevens Papers*, New York State Library, Wilbur Photostats, No. 798, Library of Congress and University of Vermont.

about forty pounds which he had advanced him in 1796 undoubtedly to enable him to go to Paris after the embargo at Ostend. It proves that Allen had only a small sum of money when he left England for Ostend and a still smaller sum when he sailed for home on the Olive Branch. He was obliged to return the draft and wrote Williams of all that had happened.<sup>1</sup> He requested Williams to make affidavit of the facts regarding the delay caused by lack of orders and the embargo, and told him that, when Ellsworth arrived, he hoped to receive evidence obtained in Vermont that would restore the arms to him. He concluded with the statement that he had not 'heard from my family or business in more than two years.'<sup>2</sup>

Bird, Savage and Bird sent John Mitchell to Paris with a notice that, as the arms were not disposed of and they 'are already under a burdensome advance, we can not be expected to advance any more money.' They did agree to pay Allen's expenses in obtaining the proofs necessary as stated in an explanation by Mr. Slade. This explanation of what was required goes fully into the points raised by the judges of the court:

Nothing appears to have been done in any one of these points owing probably to the General's imprisonment and, now that he is out of prison, he seems to have forgot what were the objects of his journey. [Allen did not forget but wanted a statement to show to the French officials]. The Lords having directed the third article of the Allegation to be reformed by pleading more fully the payment for the arms and the means the General had of making such payment it will be further necessary to prove;

1<sup>st</sup> The letter or request from Governor Chittenden to General Allen authorizing him to purchase Arms for the Militia of the State of Vermont.

2<sup>nd</sup> The Receipt of Entry of payment or other voucher to shew the actual payment of the 106,240 Livres to the French Government for the arms in question. This last if an entry in the books of the Government must be proved by some person who can swear that it is a true copy having been examined and compared by him; if a receipt signed by some person in office authorized to give a receipt for public money then the signature and public capacity of such person must be proved by the oath of some indifferent witness. Governor Chittenden's signature may I suppose be easily proved in England. The facts in the Allegation above referred to under four different heads. Viz 1<sup>st</sup> The payment of the 106.240 Livres, 2<sup>nd</sup> The handwriting of Petiet, 3<sup>d</sup> The sale of lands [in Paris] for £6.000. 4<sup>th</sup> The payment for

<sup>1</sup> Wilbur Photostats, No. 800, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 802.

such lands. [how made] must be proved by witnesses who can of their own knowledge swear they know such facts to be true and, if the General cannot prevail upon the persons who can give such evidence either to come to England or go into a neutral country to be examined, then he should make an affidavit of his having applied to such and such persons (naming them) who are necessary witnesses to prove the truth of his Allegation but that they cannot or will not come to England or go to any neutral Country to be examined and that to enable him to prove the contents of his said Allegation it is absolutely necessary to have a Requisition for the examination of Witnesses in France which Requisition might be addressed to his Excellency the Prussian or other neutral Minister at Paris whose permission he the General had obtained for that purpose. If the new American Envoys Judge Ellsworth and Col. Davey are arrived in France, General Allen must apply to them to obtain their Consent to have the Requisition for the examination of witnesses addressed to them.<sup>1</sup>

This was dated November 20, 1799.

With no official representing the United States then in France, Allen was in a difficult position. At the same time Allen received a letter from his friend, Dr. Moseley, written in November, 1799, informing him that had it not been for him and Mr. Slade, Bird, Savage and Bird would have sold the muskets in England 'at about 8s. 6d.' [two dollars each]. When they arrived in New York, they were offered for sale, but not to Vermont. 'They might have sold them, but they have their reasons why they did not dispose of them.' He recited that he had arranged with a Captain Turner to carry Mr. Buffington to Boston, collecting his pay of Bird and Company in New York. Buffington went on board with his trunk containing his authority for obtaining evidence for Allen and copies of the affidavits he hoped to obtain, in the United States. The day before he was to sail, Captain Turner informed Mr. Buffington that he would not take him, unless he paid his fare in advance 'fifteen guineas.' Buffington agreed to do this. The next day the captain would not take him without a passport and, while Buffington was on shore to obtain that, the captain sailed away. Buffington took another ship and landed in New York. He learned that Turner's ship was in Boston, so he went there and Turner told him he had left his trunk at Deal. When Moseley was advised of this, he went to Deal, obtained the

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 796, Library of Congress and University of Vermont.



trunk and forwarded it about the last of August so 'no return can be expected before January.'

All Allen's suits in London had been settled, his friends having paid the balance, between two and three hundred pounds. Bird, Savage and Bird will not advance a cent; 'there must be a Britten to bear the blame. I hope to be able to Britten them well when y[ou] return, for they very much deserve it & without mercy. Mr. S[lade] will say what is requisite to do.'<sup>1</sup>

Mitchell wrote Bird, Savage and Bird, March 2:

I have seen Mr. Allen and he informed me his business is in a fair way to be finally settled here. He will want for that purpose £500 and which he assures me will be sufficient for the purpose and from your observance I have induced him to expect such draft would meet due honor, the present is written you at his request.<sup>2</sup>

Allen had made much progress in French, and from this time on he made use of the Revolutionary Calendar in dating his letters.

Allen again wrote Citizens Carnot and Clarke requesting an interview:

In justice to myself that I may speedily obtain the proofs of s'd contract &c required by the Lords of Appeal . . . which National justice intitles me as a Citizen of a sister Republic<sup>3</sup> [and] To facilitate an equitable settlement with the Republic of France by shewing the misfortunes that have awaited me in Consequence of my long detention . . . I beg leave to make the following statement viz: When I left the United States in 1795 for Europe I did not contemplate more than ten or twelve months' absence and had made my arrangements in business accordingly. In one instance I had sold lands to the amount of fourteen thousand pounds [\$70,000], in another ten thousand pounds retaining mortgages on said land; in consequence of the scarcity of money the lands have reverted to me and my family. Disappointed of the money; in another instance I gave a mortgage deed on lands worth more than ten times the money received, which mortgage has been sued and the lands confirmed to the Mortagor; in another instance I gave a deed of more than thirty thousand acres of valuable lands and took back a Bond for a reconveyance on the money being paid at a limited time; the conditions of s'd bond not being fulfilled it has been declared null & void & given up to General Hull. In 1778, I executed a Bond of thirty thousand pounds to my Brother Heman Allen to deed to his

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 989, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 801.

<sup>3</sup> Wilbur Photostats, No. 797, *ibid.*

infant daughter a certain proportion of lands when of age, she has married a man [Catlin] that preferred money to lands, the Bond has been sued and judgment unjustly obtained as Continental money was depreciated when the bond was given. To embarrass me when in London, a suit was commenced by a merchantile house (with whom I never had the least dealings) [Graham & Co.] for 2000 Dollars by two false witnesses; final judgment has been rendered against me and the money paid. I have lost the sales of 100.000 acres of land which I had stipulated to sell for 100.000 guineas.

By the preceding and other derangements in business I can evince that my detention has injured my property more than one hundred thousand pounds sterling. In addition to the above I ask the favour of making a verbal statement to Citizen Petiet that he may be fully informed before he makes his report.<sup>2</sup>

On February 27, President Adams had appointed Oliver Ellsworth, Patrick Henry, and William Vans Murray, Envoys Extraordinary and Ministers Plenipotentiary, to negotiate a treaty of commerce with France. Henry declined (pleading age and infirmities), and William Richardson Davie, Governor of North Carolina, was appointed in his place. Vans Murray was United States Minister to Holland, and already in Amsterdam. These envoys were to renew the negotiations of Pinckney, Marshall, and Gerry, which had been broken off by France's attempt, under Barras, to secure a bribe from the envoys. Ellsworth and David sailed from Newport, Rhode Island, November 2, 1799, and were forced by adverse weather to land in Lisbon, November 27. They were unable, by reason of contrary winds, to leave Lisbon until December 21. This second attempt also failed, and they were driven into Corunna, Spain, January 16, 1800. From Corunna they traveled overland to Burgos, Spain, and thence to Paris. They left Corunna January 24; arrived at Burgos February 9; left Burgos February 11; and reached Paris March 1.<sup>1</sup>

The pleasure with which Ira Allen greeted Judge Ellsworth, who presented to him the three following letters from home, can be imagined:

COLCHESTER, 11th September 1799

MY DEAR FRIEND,

It is now one year since the date of the last letter received from you and what your situation is we know not but conclude from our

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 1059, Library of Congress and University of Vermont.

<sup>2</sup> *American State Papers; Foreign.*

not hearing from you that it is not in your power to convey any information. This letter I shall send by Judge Elsworth who is one of the commissioners appointed to go to France to settle all misunderstanding that exists between the two nations and I hope they may be so fortunate as to effect a peace, for then I should expect to see you if not before, but hope providence will interfere in your behalf and restore you to your family who are all made unhappy on your account. I shall forbear to write anything about business for Heman has written enough to make you crazy all ready. I can only say what I have often told you would be the situation of your family if you should not live or be here to take care of your property, and settle your estate, will soon be proved true. But I hope you will soon be here and attend to your business yourself. If it were not for hope the heart would break, is a true maxim. For heavens sake, if it is possible to return to America, improve the first opportunity for delays are often fatal. I shall pray constantly for your happiness and safe return until I see you, and I remain my dear Sir,

Your sincere friend,

JERUSHA ALLEN <sup>1</sup>

COLCHESTER 11th Sept.

RESPECTED AND DEAR UNCLE,

An age has passed away since your departure from America and a whole year has elapsed since the date of your last letter. You can easily appreciate the sensations we feel on this melancholy occasion; where you are or what is your situation is to me unknown. Our messengers of peace are again to repair to the Republic of France, who will hand you this, if within their knowledge. I shall briefly observe, that General Hull has actually assigned to Silas Hathaway all the lands sold to him, and got up his bond from Marstin. Catlin has recorded judgment on the bond, Newman has sued the mortgage, and bro't writs of rejeatment; the arms are still in the hands of Bird; the Dutch paper is still on hand, land taxes are daily running upon the land, some are redeemed and some are lost, judgements are wrongfully obtained etc etc etc. We have contended and still contend with all their machinations, but a total sacrifice of property will soon take place, unless prevented by your speedy arrival in America. The world have now given over the idea that you will ever return; and no stone has been unturned to injure you. God grant that this letter may soon find you in perfect health, and may you be convinced the necessity of your return, is the ardent desire of, Sir, Your friend and nephew,

HEMAN ALLEN <sup>2</sup>

MAJOR-GENERAL IRA ALLEN

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 783, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 777, *ibid.*



WINDHAM CONN. Oct 28th, 1799

DEAR SIR:

I have nothing material to write but take this opportunity by Colonel Swift who goes as sentry to Mr. Ellsworth to France. Mrs. Allen has written by Mr. Ellsworth. I have given Mr. Swift 25,000 florins being part of the 50 you sent to me some time since. The remainder Mrs. Allen has had some time. There never has been a time when you could sell them here. I have directed Colonel Swift to sell them to the best advantage but for not less than five shillings on the pound unless he should meet with you and if so take your direction if he sell them I have given him liberty to pay to you all but fifteen hundred dollars which sum I have advanced for you since you have been absent and am in great want of the money as I have made some bad speculations. Nothing has been heard from you since August 1798 but it is rumored here you was confined in Paris last winter. I hope sir we shall soon see you here. From your friend and humble servant,

NOADIAH BISSELL <sup>1</sup>

Here was money that he needed so badly and a letter from his wife; a letter neither long nor full of those endearments to which the present generation are accustomed, but the statement that they hoped soon to see him and 'are all made unhappy on your account' must have been a soothing balm to his homesick heart.

The first evidence of the proceeds of the florins sent by Bissell is contained in a receipt dated Paris, April 3:

Received of Zephaniah Swift [one of the attachés of the Minister] 4,000 Livres &c by Noadiah Bissell.

IRA ALLEN <sup>2</sup>

On March 8, Allen wrote Talleyrand of the suits brought against him in Vermont and requested and obtained from the Minister a statement that he had been detained in France without any charge having been made against him.<sup>3</sup>

It was fortunate that Judge Ellsworth had been the presiding judge in the Catlin case, although it is doubtful if he encouraged Allen to think Congress would enact a law granting him a new trial, as the Legislature often did in Vermont. On the same day Allen wrote to the United States Ministers informing them of his detention 'without any tryal or reason assigned . . . which has been very injurious to me. I therefore in

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 787, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 813, *ibid.*

<sup>3</sup> *Ibid.*, No. 804.

justice to myself and family request you to enquire the cause of such treatment.' <sup>1</sup>

He had, on October 25, 1798,<sup>2</sup> suggested that Bird and Company in New York send some one to a number of people residing in the United States, whose names were given, to obtain their depositions. Slade had not informed him that a commission had been authorized to take evidence in the United States, and that Buffington had been sent for that purpose. He had learned through Dr. Moseley that Buffington had gone, sent by Allen's friends in London. Slade had not mentioned that Buffington's trunk with all his papers in some mysterious way had been detained in England, so that, when Buffington arrived in New York, 'he was amongst strangers, without papers, money, or many clothes, yet he got part of the affidavits expected, obtained a cheap passage to Ireland, from thence to Hollyhead, and walked on foot to London.' <sup>3</sup>

The loyalty of Allen's friends must have surprised and somewhat depressed the captors, for, in spite of their effort to prevent his proving ownership of the arms, Fate slowly but surely brought them defeat.

On March 16, Allen wrote Slade, 'You will herewith receive such proofs as the pressure of the moment [New French Government] would admit of, by which you will see the embarrassments I have experienced & I need not explain to you the necessity of this measure.' He promised to lose no time in obtaining all the evidence requested 'authenticated by some neutral Minister.' He then requested to be informed of Buffington's success in obtaining affidavits in America. 'The same cause that occasioned him to separate from his papers may bar such returns as I am entitled to.' He offered to obtain the affidavits in the United States, if Slade would send him a list of what was required.

He called his attention to the agreement made by Bird and Savage to honor his drafts while in France, as they had goods of his worth thirty thousand pounds on which they were liable for less than eight thousand. 'By their letter addressed to Mr. M[itchell] in London, the excuse is that they have received no returns of sales, this is trifling after having a property of

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 803, Library of Congress and University of Vermont.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, p. 312.

<sup>3</sup> *Ibid.*, p. 315.

mine . . . nearly two years in their hands. I cannot with honor leave Paris without five hundred pounds.' He needed this to pay his bills. He desired Slade to see them and 'in your next to me be explicit on this subject.'<sup>1</sup> This letter was evidently taken to Slade by Mr. Mitchell who was returning to London.<sup>2</sup>

Allen's old habit of thoroughness prevailed in obtaining the evidence he was collecting, not only to recover his cargo and his lands in Vermont, but to sustain his character. He had been unable to obtain a commission from the Court of Appeals to take evidence in France and the United States, so he used his own judgment in obtaining evidence, and his case as prepared by him was a strong one. He did not wait for Slade's reply, but wrote to the United States and had a friend go to Richmond and get the affidavit of James Monroe, Minister to Paris in 1796, now Governor of Virginia. Monroe gave an affidavit verifying Allen's statement that he consulted him and he also swore that he saw the request from Governor Chittenden and Allen's contract with the French Government.<sup>3</sup>

His friend then obtained the affidavit of Colonel Willet who was with him in Boston in 1795.<sup>4</sup> This was acknowledged before William Bleeker, who also certified to Willet's integrity, and these signatures were certified by Richard Varick, Mayor of New York, an old friend of Allen.

William Hull (notwithstanding he had betrayed Allen and was then engaged in stealing his property, on the pretense that Allen had sold it to him) swore that he paid Allen four thousand pounds before he sailed for Europe<sup>5</sup> and that he was the one who advised him to buy arms in France. His statement that he had met Allen through John A. Graham a few weeks before Allen sailed is fairly conclusive evidence he did not purchase property of Allen worth twenty thousand pounds for four thousand pounds, one thousand pounds of which was a draft on London that was never paid. The subject-matter of all of these had been outlined by Allen; the importance of this

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 831, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 807, *ibid.*

<sup>3</sup> Allen's *Narrative of the Transactions, etc.*, p. 364.

<sup>4</sup> *Ibid.*, p. 368.

<sup>5</sup> *Ibid.*, p. 365.



last affidavit was to prove he had some twenty thousand dollars when he sailed for Europe to buy arms.

On March 15, Allen wrote to General Clarke:

Necessity compels me once more to call your attention to the proofs respecting my purchase of arms &c. Citizen Legar cannot or does not find the original papers which are necessary for Citizen Petiet to authenticate 1<sup>st</sup> Contracts in due form for legal proofs before the Lords of Appeal in London; to accomplish this business you are requested to name a time and place for an interview where Citizens Carnot and Petiet have agreed to attend; this I conceive to be the only method to close a business that has caused me more than twenty-one months detention. I therefore hope you will name a time in as short delay as possible, leaving time to notify the persons above named. Your attention will greatly oblige Your sincere friend  
Health and respect

IRA ALLEN

N.B. If possible I wish to see you a few minutes at this time.<sup>1</sup>

Any apparent delay was not caused by lack of interest on the part of Clarke or Carnot; they were most gracious, but at this time, General Clarke, as commander of the troops in Paris, was obliged to be constantly in attendance on Napoleon or executing his orders. Allen always carried his letter to General Clarke and waited a reasonable time to ascertain if Clarke could see him. What a picture this Green Mountain Boy made in the ante-chamber of this great man surrounded by a brilliant staff of officers where only the highest were admitted! General Clarke had instructed one of his aides-de-camp to see that every attention was paid General Allen.

On March 20, he wrote to the municipality of Gravelines reciting all that had occurred from the time he arrived in that place to his departure and requested that they make a certificate of these facts, signed by all the officials, with municipal seal and forward it to the Minister of Police in Paris, notifying Allen when mailed.<sup>2</sup>

On March 27, Madame Ager wrote that she had seen his letter to the municipality.

I hope the certificate the aforesaid gentlemen have delivered to you is such as you desired. I begged Turlotte to state the facts as you requested . . . he promised he should be exact and that the

<sup>1</sup> *Archives Nationales*, Paris, A.F. III, 540 (3533), No. 101.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 809, Library of Congress and University of Vermont.

Municipality members are the same as when you were in Grave-lines. . . .

P.S. In case you should write to me please send me word if you have received your nine louis by the way of Mr. Mainville of Boulogne.<sup>1</sup>

The certificate<sup>2</sup> was full and a most friendly letter<sup>3</sup> was sent to Allen.

On March 18, Petiet gave him the following affidavit:

Council of State. I under-written Councillor of State, ancient Minister at War, do certify, to all whom it may belong, to have ceded in the name of the French Republic, by deed of the twenty-third Messidor, fourth year (11<sup>th</sup> July 1796) in pursuance of an authorization, bearing same date, given by government to Mr. Ira Allen, major general, the quantity of twenty thousand muskets of foreign caliber, with their bayonets, and twenty-four four pounders, with six gun carriages, and all the necessary instruments for this service. Said muskets, guns and carriages, were destined for the militia of Vermont, in the United States of America.

The signature of Petiet was certified to by Talleyrand and Talleyrand's signature by E. Signeul, Consul-General of Sweden in Paris.<sup>4</sup>

Allen's letter to his wife at this time reveals his longing for home as well as his determination to obtain justice:

DEAR JERUSAH:

I have experienced repeated arrests, prisons, by order of Government without any trial or reasons given. During which time I was not at liberty to send letters, even after examined, to the United States or London, this and the intercepting of letters will account for my long silence. I am now at perfect liberty and in good spirits; [no mention of his ill health], expect soon to close my business here when I shall hasten to see you and my dear children. I received yours and Hemans letters by Mr. Ellsworth which was the first information in more than two years from you or Vermont; *be not discouraged I shall find means to do Justice* to my friends and obtain Justice for myself in the United States. Retain the paper Heman mentions on hand, it may turn to a good account. A History of my travels can not be expected in a letter and I do not incline to write much on politics; shall only observe that great preparations are making for

<sup>1</sup> Wilbur Photostats, No. 812, Library of Congress and University of Vermont.

<sup>2</sup> Allen's *Narrative of the Transactions, etc.*, p. 272.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 829.

<sup>4</sup> Allen's *Narrative of the Transactions, etc.*, p. 289.

war by the beligerant powers; near 20,000 men were reviewed at the Champs de Mars about three days since, who are, with a formidable Artillery, on their march to prosecute the plans of war.

Present my best compliments to all my friends

Yours sincerely,

IRA ALLEN <sup>1</sup>

Allen evidently had been told that no settlement could be made by his friends without their appointment for that purpose, the supreme power now being vested in the Consul Napoleon. On April 3, he wrote General Clarke, reciting the details of his detention, all of which Clarke knew, but Allen included them in his letter to be used in case Clarke presented it to Napoleon. He undoubtedly sent it to Clarke because he was closer to Napoleon at this time than was Carnot. He requested him to have Carnot, who was President of the Directory, and Petiet, who was Minister of War in 1796, appointed to settle with him the French claim for the arms. Clarke referred him to the Minister of War, Carnot,<sup>2</sup> and Allen at once wrote Carnot. The messenger received a verbal answer that 'the Minister would examine the case and give answer.'<sup>3</sup> On the 12th he wrote Carnot, 'Permit me once more to ask for some decision in my s'd business.'<sup>4</sup> Evidently, on the advice of Carnot, Allen addressed a short memorial 'Au Citoyen Bonaparte, Premier Consul de la République Française,' reciting his purchase and detention and requesting that he appoint Carnot and Petiet to make a final settlement with him.<sup>5</sup> This Allen delivered to General Clark's aide-de-camp with a verbal request to General Clarke to forward said memorial to Napoleon.

Allen addressed a similar memorial to Citizen Carnot, Minister of War, the next day,<sup>6</sup> evidently to make a formal record and enable Carnot to say he had received it.

Allen had obtained all the evidence possible, and now he desired to obtain a final settlement or, in other words, as his detention in France for about two years had cost him far more

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 808, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 814.

<sup>3</sup> Wilbur Photostats, No. 817, *ibid.*

<sup>4</sup> *Ibid.*, No. 825.

<sup>5</sup> *Ibid.*, Nos. 814, 827. (No. 827 is the French translation.)

<sup>6</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 830, Library of Congress and University of Vermont.



than the price of the arms, he wanted to be released from any and every obligation. Had the arms and one hundred thousand florins been given to him for the purpose of invading Canada in 1796, he never would have wasted his time in appealing to Napoleon for a final settlement.

Prior to presenting his memorial, he wrote Clarke, April 14:

I have received the principal documents necessary for my cause in London. . . . I am therefore preparing to leave Paris, previous to which I request an interview of a few moments . . . you have a receipt I wish to take up.<sup>1</sup>

He would not leave Paris until every debt was paid.

On April 15, he enclosed affidavits to Robert Slade and promised more very soon. 'I am surprised that I hear nothing from you of late.'<sup>2</sup> He was becoming suspicious of even Slade at this time, when the captors were beginning to realize that they were beaten.

In Vermont events which affected Allen were occurring. Noah Smith had purchased two hundred acres of land from him and taken Allen's bond for a deed to be given when Smith made his final payment. On April 10, Smith assigned this bond to Hathaway, 'to be collected and converted to his own use at his own risque and expense without being in any way responsible myself.'<sup>3</sup> Like Hull's and Catlin's deeds its very terms disclosed its dishonesty.

Hathaway had left a horse with Samuel Jewett, of Burlington, who wrote him, on April 21, addressing the letter to 'Silas Hathaway, the great speculator in fine horses for Virgin Land. . . . If you get catched with stolen property, you must not expect me to take care of it.'<sup>4</sup> Reputable people had taken the horse, claiming it had been stolen. Hathaway was on friendly terms with the members of Allen's family. This relation enabled him to learn all they knew about Allen's affairs and later to give them advice to Allen's disadvantage. Hathaway was advancing small sums to them and evidently some lands, for a sharp letter to him from Hitchcock, on May 31, warned him 'to make deeds to his nephews as agreed.'

<sup>1</sup> Wilbur Photostats, No. 826, Library of Congress and University of Vermont; also *Archives Nationales*, Paris, A.F. 111, 540 (3583), No. 102.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 831.

<sup>3</sup> *Ibid.*, No. 821.

<sup>4</sup> Wilbur Photostats, No. 3076, *ibid.*

Receiving no response to his many appeals to Mrs. Allen and the members of his family at home for the last two years, to obtain affidavits and other papers which he expected them to send by Judge Ellsworth, Allen for the first time during all his sufferings expresses resentment in the following letter:

To Mrs. Jerusha Allen, my brother [Levi], brothers-in-law [Roger, Jr., and Pascal Enos and Bissell] and nephews, to each and every one of you; more than three years have elapsed since I have been writing to you in the most pressing terms to furnish me with the records of Vermont and depositions of the several persons named in the list herewith exhibited three copies of s'd records and depositions should be duly authenticated and two set sent by different ships to Robert Slade Esq. . . . the Captain or passenger that takes s'd packets should be paid for his trouble and give a bond to deliver them to s'd Robert Slade and take his receipt for the same to cancel his bond. You should retain the third for my justification in the United States &c.

Any one or more of the persons in the above relation to me that may receive information of these matters and do not in the shortest delay exert themselves to accomplish these objects in the most full and explicit manner will be forever disowned by me in s'd relation or as friends of mine; nay if my own sons were old enough I would disinherit them if they did not immediately carry these matters into effect. The perusal of the papers herewith exhibited numbered . . . with the particulars of the capture of the ship *Olive Branch* and *History of Vermont* by myself are sufficient to justify me in this severe decree; I ask nothing but plain truth from my countrymen and that I am entitled to in existing circumstances, any one that refuses that will be *Veneal*.

The Documents of my detention through National disputes are sufficient to obtain rehearings or to set aside all judgements that have been rendered against me and to obtain justice in my conveyance of lands that may have been unjustly made since my detention in Europe; for had I not been taken, my property detained in violation of recent treaties, laws of nations &c I should have been in America in the fall of 1796 and attended to my business. On this head good counsel must be consulted and the most spirited and effectual measures taken; I cannot be more particular at present.

IRA ALLEN <sup>1</sup>

Samuel Broome was leaving Paris for New York and Allen paid him sixty pounds (three hundred dollars), taking a draft on Joseph Fay in New York, Broome's son-in-law.<sup>2</sup> Broome

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 836, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 841.

also took the preceding letter, agreeing to deliver it to Fay, who was to forward it to Mrs. Allen.

On May 6, Allen wrote Rufus King in London:

Much time has elapsed since I have had the pleasure of seeing you and many are the vicisitudes of fortune on which I forbear to comment. I enclose to you the Copies of my letters to Mr. Slade of the 16th of March and 15th of April from which I have received no answer. I also enclose a list of proofs that ought to be in London if the mission of Mr. Buffington has been attended to in the United States.

Mr. Slade has undoubtedly received with the aforesaid letters &c documents in my cause legalised before the Consul General of Sweden. I have not yet procured all the Documents I have requested but expect in a few days to have the whole regularly legalised for evidence before their Lordships and shall lose no time in transmitting them to you in full confidence of impartial justice; in the mean time ask your interference as Minister of the United States that the cause be continued till I can have opportunity to be heard in support thereof.<sup>1</sup>

Allen was fearful that the influence of the British Government would be brought to bear on his counsel and he knew that King had control over Slade.

Early in March, Allen had applied to the Minister of Police for a certificate that there were no charges against him in his office. This was at first refused, but Allen was insistent with argument that finally induced the Minister to promise to investigate his case. The following is a translation of the police report:

*Report on Ira Allen*

This stranger was arrested in Nivose, 7th year (December, 1798) as an English spy.

He was liberated the 29 Fructidor following. (September 15) 1799.

Ira Allen is a native of the United States. He is considered an enemy to the English and party to our revolution.

It appears from a very severe examination of all his papers and the testimony of Americans on the moral sense of which one could rely that his arrest has been the effect of this dreadful influence which England exercises sometimes by her agents or her friends on the acts even of our government.

Here are the facts known to be true:

Ira Allen was charged in the 5th year (1796) by the state of Vermont where he resides, to go to purchase arms in France.

He negotiated with the Directory for 20,000 guns. He embarked

<sup>1</sup> Wilbur Photostats, No. 843, Library of Congress and University of Vermont.



from Ostend for Boston. An English frigate captured him and took him to England, where he entered a suit against the capture which the English government pretended to make of his arms. He won the suit, reserving appeal to the Court of Lords. To have decisive proof he was obliged to come to France, and on his return there was arrested as a spy.

After these facts it seems very probable that the English who detested Allen and who would profit by his losing his suit, had themselves caused him to be blackened and suspected.

It is considered only justice to accord to Ira Allen the certificate he solicits.<sup>1</sup>

After receiving the report the following was sent to Ira Allen, Hotel Boston, Paris:

PARIS, *Floréal the 19th, 8th year* [May 9, 1800] *of the French Republic, one and indivisible.*

The Minister of the Police General of the Republic.

On the demand of General Ira Allen, in the service of the United States, do certify, that the sundry detentions of that officer, seem to have been the consequence of his voyage to England, and that they ought to be considered as the effect of a motive of general safety.

Do certify further, that in the office of the minister, there exists no notes or reports which should be unfavorable to him, and that the manner in which he behaved himself, during the time that circumstance has forced him to remain in France, put him out of the reach of a single reproach.

FOUCHÉ <sup>2</sup>

On May 9, Allen received from Swift, through a draft on the French bank with whom the American Ministers did their business, the sum of two hundred louis (eight hundred dollars).<sup>3</sup>

On May 12, Allen wrote Rufus King that he had written repeatedly to both him and Slade, but had received no answer. He told of new evidence he had obtained and requested his further assistance 'that my cause be continued.'<sup>4</sup> This was translated into French so the French Minister of Marine could read it and then was forwarded by him to England to insure its delivery. On May 28, Allen sent two packets containing a letter and proofs to a Mr. Dueroc at Calais, to be forwarded

<sup>1</sup> *National Archives*, F. 7, 6167, Brief 1660, Private Office No. 1660.

<sup>2</sup> Fouché, Joseph, Duc d'Otranto. The Great Minister of the Police, Member of the Convention, voted for the death of Louis XVI. By negotiation after Waterloo, he saved Paris.

<sup>3</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 844.

<sup>4</sup> *Ibid.*, No. 846.

to Robert Slade. He offered to pay one louis for each packet, when he received, either by messenger or post, Slade's receipt.<sup>1</sup> Among Allen's records for May and June is a memorandum of his 'loans' to his interpreter. They amounted to £284-3-4,<sup>2</sup> nearly fifteen hundred dollars — a polite way the French had of obtaining money. Balsa evidently was well known, for he had the *entrée* to all the Ministers.

On June 2, Allen applied to Minister Fouché for a passport to go to Hambourg by the way of Calais.<sup>3</sup> This was granted him, and on June 4, he wrote General Clarke that he had obtained it and would leave Paris in a few days for London and wished to bid him adieu.<sup>4</sup> On the same day he addressed a letter to Ellsworth, Vans Murray, and Davie, enclosing copies of his proofs for the Lords of Appeal and documents proving his detention in France without any charge ever having been made against him, and requested 'as my character, Family and property have suffered much by my detention in Europe, if you think proper, shall be much obliged to you to transmit s'd documents to the Government of the United States.'<sup>5</sup> He informed them he would soon leave for London *via* Calais, 'before which I shall do myself the honor of making you a visit.' Allen was looking ahead to the day when he would make a claim through the United States Government against England.

On June 7, he received from Swift five hundred louis, twelve thousand livres, about two thousand dollars.<sup>6</sup>

On June 12, Allen wrote to Timothy Pickering, not knowing that he had been dismissed by President Adams as Secretary of State. He was not depending entirely on Ellsworth and associates to forward a statement of his case to the United States Government. He called Pickering's attention to the violation by England of the Jay Treaty and referred him to his book, 'Particulars of the Capture of the Ship Olive Branch,' and sent him copies of his proofs showing 'the treatment I have experienced in France. . . . I am the more inclined to transmit

<sup>1</sup> Wilbur Photostats, No. 848, *ibid.*

<sup>2</sup> *Ibid.*, No. 850.

<sup>3</sup> *Ibid.*, No. 851.

<sup>4</sup> *Ibid.*, No. 852; also *Archives Nationales*, Paris, A.F. 111, 540 (3583), No. 102.

<sup>5</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 853, Library of Congress and University of Vermont.

<sup>6</sup> Wilbur Photostats, No. 854, *ibid.*

these statements to you, as I have reason to suppose that a combination has been formed of designing men in the United States and Great Britain, to deceive and mislead the court . . . and to take advantage of National disputes, to raise suspicions, and cause my detention in France.' He informed him how pointedly he had written against the Court of Admiralty in London and the Executive Directory in France. 'I shall set out in a few days by way of Calais, in order to obtain justice in London.' Allen realized how desperate the captors were and decided to keep the United States Government posted as to all his movements. He knew that even his life was in danger, but he did not know that he was to experience so soon a demonstration of the power of the captors.

An interesting touch is found in the note to his one true friend in Paris.

PARIS *June 16, 1800*

DEAR MADAM:

In grateful remembrance of your kind attention to me in Prison, please to accept a chimney clock herewith presented to you. Yours Sincerely,

IRA ALLEN <sup>1</sup>

TO MRS. R[EBECCA] BARLOW

After Allen's release he did not need the influence of Thomas Paine, Joel Barlow, or Skipwith. He was then more influential with the Government than they.

When he arrived in Calais on June 18, he decided to write to Rufus King and to Slade; sending to King all the original proofs obtained by him which he desired King to retain for use in the United States, and certified copies to Slade. He requested them both to ascertain if the captors or their lawyers wanted to 'cross-examine' any of the proofs; if so, have them do so at once, as he is not willing to pass again from one 'beligerent power to another.' <sup>2</sup>

Allen arranged with a Captain Landberg, sailing from Calais to England, to undertake the delivery of the two packets and to obtain a receipt and answer if possible from both King and Slade. While he was waiting for his reply, he ran over to Gravelines to thank once more and say good-bye

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 857, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, Nos. 858-59, *ibid*



to his friend Dorothy Ager, who had aided him so faithfully. Among those he invited to attend a dinner at Citizen Lesure's on June 29 was the Commandant of Gravelines.<sup>1</sup> On July 3, Allen was back at Calais and wrote to Mr. Balsa in Paris:

I have just received returns from London in which Mr. Slade is compleatly evasive. I therefore determine immediately to return to Paris on receiving a passport for that purpose. You will lose no time in getting one from the Minister of Police General and sending it to me.<sup>2</sup>

When Landberg returned from London with the replies, he was obliged to deliver all the papers addressed to Allen to the Commissary of Police and, because he at first overlooked one letter, the police became suspicious and called on Allen and demanded 'how long he expected to stay in Calais.' He replied that he could tell when he had read his letters from London. They delivered the papers to him, but he was obliged to read them aloud before them. He told the police he doubted if he would go to London at present. Then the police ordered him on board a ship in the harbor and threatened to order the ship to sail at once for Dover. Allen refused and informed the commissary 'that it was more than his commission was worth to send him to England, and out of his power to do it; for his passport was from the Minister of Police-General to go by way of Calais to Hambourg; and it was his choice to go by land; he then produced his passport and retained it in his own hand while reading.'<sup>3</sup> He was obliged to fight every step, to offset the bribes used on the French police. On July 9, he wrote Robert Slade complaining of the way Slade was handling his matters and calling his attention to the fact that he had sent him more than the Court of Appeals had required him to obtain. Slade evidently wrote that he had not proved where he obtained the money to pay the French. Allen considered this trifling and wrote him that, after he had purchased the arms, he had paid several thousand pounds sterling to merchants in London and sent more than twenty thousand dollars in Dutch rescriptions to the United States. 'What can be a stronger proof, that there was no intrigue between the French govern-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, Nos. 856-60, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 861, *ibid.*

<sup>3</sup> Allen's *Narrative of the Transactions, etc.*, p. 298.

ment and me against the English government, than the documents of my treatment for more than two years past in France?' <sup>1</sup> He concluded, 'having become tired of so litigious a business, I give it as my positive instructions . . . that you move for a final decision.'

When Allen in 1804 published in full his letter to Slade, he wrote, not wishing to do him an injustice, 'Slade is one of the ablest and most faithful proctors in that court; yet political events may have deterred him doing that justice he [Allen] had a right to expect.' <sup>2</sup>

Slade was constantly employed by Rufus King and the Commissioners appointed to settle claims between the British and Americans. The American Commissioners paid him more than ten thousand pounds sterling during this time, in suits against England for the seizure of American ships and cargoes. <sup>3</sup>

Allen returned to Paris about the middle of July. He declined to make any affidavits that he thought would bar him from claiming damages from the British Government. It was a delicate matter for him, just out of a French prison, to apply to an English court, when France was at war with England, to examine some of the first officers in the French Government. Allen had great difficulty in obtaining any statements from them, for they were irritated that the English court should question their signatures and rights to make such a contract. Two years later, when Slade and others went to France, after peace had been declared, they were unable to get Carnot and Petiet to testify, as Napoleon would not give his consent.

Allen still had funds at his disposal. On July 20, Swift paid him one hundred louis. <sup>4</sup>

Mrs. Barlow heard he had returned and sent thanks for his present and a gift for Mrs. Allen which he acknowledged on July 27. <sup>5</sup>

Allen received a letter from Dr. Peters telling him that Slade had said, 'Your proofs are not at all of the nature of the proofs required by the Court of Appeals.' He must show by the books that the French Government received the money.

<sup>1</sup> Allen's *Narrative of the Transactions, etc.*, p. 300.

<sup>2</sup> *Ibid.*, p. 302.

<sup>3</sup> *Rufus King's Papers*, New York Historical Society.

<sup>4</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 866.

<sup>5</sup> Wilbur Photostats, No. 1072, *ibid.*

That you sold lands in France and to whom. That the French Government received a letter from Governor Chittenden desiring you to purchase arms in Europe for the Militia of Vermont.

Evidently, according to a letter Allen wrote Clarke, this letter or certificate could not be found, but Chittenden's affidavit confirmed it. His opinion is

that until you obey the above orders of the court . . . or shew by your affidavit that there are witnesses (naming them) in France, who can prove the truth of that part of your allegation; but that you cannot get them to come to England, or the cause of your inability to do so a decision will be the condemnation of your arms for want of the proofs, which by your allegation you undertook to make out on your part: and this in law is termed disobedience and failure in proof.

He wrote that, to prevent this, he had induced Slade to draft an affidavit making such alterations

as the case may require . . . when your affidavit shall have reached Mr. Slade it will weigh before the Court of Appeals and skreen you from any contempt to the orders of the Court. Then all defects must rest on the orders of the court, or on the disobedience of the consular government of France, for preventing you yielding perfect obedience. On receipt of your affidavit Mr. Slade will exhibit it to the court and *see* if the court will grant a commission to some neutral Minister in Paris to examine *your named* witnesses. Mr. Slade wishes you to prove that the Assembly of Vermont did suspend the militia laws of that State for one year or more to give the citizens time to procure arms. . . . Mr. Slade thinks that what Mr. Buffington and Mr. Randall can say will avail nothing . . . because your arms are clear whenever you have complied with the Requisitions of the Court . . . as stated before, our steady friend has seen and conversed on the subject with him and yielded to his proposal, and all he mentioned was only respecting a note of about £300 of which you know already; He therefore weighs no more than a fly on a coach wheel, or truth on a liar's tongue. It appears to me that your affidavit is all that you can do under existing circumstances, seeing the stress of all the difficulty rests on this point, viz: the English Court of Appeals requires your proof to be authenticated in France by some Foreign Minister and the Powers that be in France will not permit your proofs to be authenticated by any neutral Minister. By Mr. Slade's draft it appears that your imprisonment in France is not legally proved here, because the proof was not certified by a neutral Minister. You are required to prove it by your own affidavit before a Neutral Minister. This you can do, and also mention the *name* of the man to whom you sold lands, though you cannot *find* him, since the many troubles and convulsions in Paris.



Thus I have stated matters as well as I have been able and see not but you can conclude your affidavit with viz: I do not believe the French government will suffer any Neutral Minister to authenticate any French records or aid me with further authority of proof than what was given in the Documents I sent to Mr. Slade.

Your own wisdom, that of Poets and Lawyers will direct you.

M. Petiet, or the Secretary of War can prove G. Chittenden's letter was received — that such a letter was written and seen in England is abundantly proved; but you must prove, *by order of Court*, it was in Paris *and seen there*. The sooner you send an affidavit, the better — as after that, you may return to your family and friends who long much to see you. [He then told of Isaac Scott's distress and need of funds] which induces me to solicit your ability, affection and friendship for one of your special acts of goodness and generosity to him at this distressing crisis, by transmitting to him a sum in Bills via Hamburg, for six or ten months at five per cent interest . . . and Mr. Scott will be very thankful to you and you may rest assured that Mr. Scott will return you the money on your drafts next March should you desire it. If you have any regard for me, him and others I know of your former benevolence to mankind, you will not forget my prayer on behalf of the best man you ever knew in England. Pray write to Mr. Scott.

In a long postscript he informed him that the court would not recognize an affidavit made before a Consul-General, which was what Allen had sent.

I told Mr. Slade you had never been informed that it was necessary for you to make an affidavit there before a neutral Minister. It is a new adjudication to me, that testimonials authenticated by the present Magistrates in France are not admitted to be legal in England, as to your imprisonment in France — but it is so.<sup>2</sup>

This throws a vivid light on the impossibilities expected of Allen and the absurd rulings of the English court. He had sent the statement of Fouché as to his imprisonment and made an affidavit giving the name and address of the man to whom he had sold land; the money he received for it and what he had done with it.

Dr. Moseley wrote Allen, on August 5th:

I have often called on Mr. Slade respecting your cause . . . he appears to be positive that the cargo will be condemned, if brought to a trial at this period & under present circumstances. . . . Mr. Slade has sent a form for an affidavit for you to make . . . which will be doing all & every thing that you can do, or that can be expected,

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 869, Library of Congress and University of Vermont.

or required to be done on your account; then you will be clear . . . and if you then wished to return to America, he [Slade] thinks it will be best. . . .

We have made every possible exertion to obtain the special evidence you so pointedly requested me to bring forward . . . every attempt has hitherto proved fruitless & abortive.<sup>2</sup>

On August 6, Allen wrote his opinion of the negotiations then going on in Paris with the American envoys to the *Paris Journal of Commerce*<sup>2</sup> and it was printed in No. 319 of their issue. It exhibits Allen's statesmanship and is given as an appendix to this volume.<sup>3</sup>

On August 12, Allen wrote to his wife:

By the papers you will herewith receive you will see I made an attempt when in Calais for a final decision of my cause in London, since which I have not heard one syllable from London. [He had not received Peters's or Moseley's letters.] In April last I sent you two large packets, one addressed to Doctor Allis, Colonel Brownson and John Knickerbaccor at Manchester, the other to Colonel Joseph Fay at New York; the last was delivered to Mr. Sam<sup>1</sup> Broome to whom I advanced sixty pounds [three hundred dollars] sterling & took his bills on Col. Fay with directions for him to send the money & packet to you. Each of these packets contained a letter to Mr. Bissell from Colonel Swift informing that the principal & interest was paid in full on the bills on Holland. [Twenty-five thousand florins, about ten thousand dollars, principal, out of which Swift was to keep fifteen hundred dollars for Bissell; this would indicate that Allen received about eighty-five hundred dollars and some interest. The French Government never got principal and interest on the rescriptions they had.]

I recommend to you to make a negociation with the United States as they have money to pay in Holland. [Mrs. Allen had twenty-five thousand florins of the same kind Swift had cashed in Paris.] But what was of more consequence than all other things I gave positive orders for all the proofs to be taken in the shortest delay and sent to London, described in a list of proofs a copy of which I here inclose and if the others have not arrived or by any means are not executed in the most full & explicit manner I give it as my positive orders that the necessary copies of records & depositions be immediately taken; that two duplicate set of each be sent to Robert Slade. . . . If you have attended to the former order my cause will soon be decided in my favor . . . let this be the last time I write on this subject. . . . I am fully determined not to visit Great Britain during the present war, but this fall take passage from some port on this continent for the United States. You may rest assured that I am as determined in this

<sup>2</sup> Wilbur Photostats, No. 870, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 871.

<sup>3</sup> Appendix XI.

as in the preceeding order for proofs. I am in health and good spirits, prepared to regain all that has been unjustly taken from me in consequence of my illegal detention in Europe. Be not discouraged — all shall go right.

Your friend

IRA ALLEN

N.B. The more public the copies of my letters sent in this and the former packets are, the better. I shall positively leave Europe for the United States before the first of November next.<sup>1</sup>

On the same day he wrote to His Excellency Isaac Tichenor, as follows:

As I have reason to suppose many of my letters addressed to Mrs. Allen have been intercepted, for greater safety, I take the liberty to inclose this packet to you & submit to you the propriety of publishing in any manner you think proper the copy of my letter to Mr. Pickering & those subjoined to it, but request that the original copies or other copies thereof be inclosed with my letter to Mrs. Allen & sent to her through some safe & speedy conveyance. . . . Whatever may be the event or delay of my business in England, I shall take passage for the United States this fall.<sup>2</sup>

He wrote a similar letter at the same time to Paul Brigham, Lieutenant-Governor, sending copies of all papers and requested him to send them to Mrs. Allen.<sup>3</sup> He was bearding the lion in his den, by giving notice to the authorities that once more he would be in Vermont.

On August 15, Dr. Moseley wrote that he had written him on the 6th, and sent it by the 'Dover Waggoner to my friend Mr. Kennett to be forwarded to you by Captain Landburg as agreed. I am sorry to inform you . . . that Captain Landberg has had his vessel seized at Calais, but has been so fortunate as to have it restored on bail.' The collector would not allow the letter and books Moseley sent to be forwarded to France without a pass from the Duke of Portland. He wrote that, if he asked for a pass, it would take a month to get a reply

and even then, in all probability a negative. . . . I have seen so much in this country's offices, that I would sooner go 3000 miles round about than to pass through an office. . . . In my last I wrote you that Mr. Myer's [Allen's publisher] illness had delayed my sending the books sooner. He is since dead. . . . You will be surprised at the

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 872, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 873.

<sup>3</sup> Wilbur Photostats, No. 877, *ibid.*



following most wonderful information. The very quintessence of all impostors [John A. Graham] sailed for his native shore, on or about the 25th ult with his whole retinue. Report says he took out with him a most superb carriage and two of the first rate horses, with every thing answerable to support his exalted station, as emissary & pimp, no doubt for G[overnment]. Report says £450. per annum. . . . He has left his orders at 340 [Lorimer's House] for the 300 &c [three hundred pounds] to be delivered to your order when Mr. S[cott] exonerates him from all demands, which can never be. . . . It now remains for S—— & you with others to persue &c. It is evident, that no good can, or will ever come from him.<sup>1</sup>

As he expects Allen will receive his other letter with this, he writes that he will not 'recapitulate.'

On August 29, not knowing of recent happenings or of the affidavit sent to him, Allen wrote Thomas Erskine urging a decision, stating that he would not return to England, that he had decided to return home and had so informed his lawyers in London, and that he had requested them to obtain a commission for him to take evidence in the United States. Allen sent this to the Minister of Marine to be forwarded to London, and this great favor was extended to him.

On September 3, Allen again wrote to Paul Brigham, in Vermont:

The person by whom this packet is transmitted to the United States did not leave Paris as expected. I have added my letter to Mr. Erskine with a request that the same be published, which I urge on mature deliberation both for my own & public good.

I have not thought it useful to trouble my friends with details of bad state of health in consequence of imprisonment, but the facts are, I have not thought it prudent to undertake a long journey & voyage at sea, but I find my health so far restored that I shall sail for the United States this fall & hope the pleasure of finding my friends in good health.<sup>2</sup>

Some nine days after this Allen received the letters from Peters, Scott and Moseley with Slade's form of affidavit on which he wanted Allen's signature. He at once wrote Peters:

I have just rec'd yours of the 6th Ult. with the papers from Mr. Slade, the Most extraordinary of which is a two year old of marvelous birth. I cannot own it as my child, it is all together from the Male Gender & never made it's appearance to me till yesterday.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 874, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 877.

I wish to pay every respect to the Most Noble the Right Honorable the Lords of Appeal in Prize Causes in the Kingdom of Great Britain.

On the 21st of June 1797 I was not only advised but urged to say in Court that my cause was not fully supported, that I wished the favour of a Continuance that I might have opportunity to reinforce it with further proofs to prevent condemnation. At that time I kept talking without a direct answer till the Judge spoke to me. See page 251 and 252 in the Particulars of the Capture of the Ship Olive Branch.

It is expected that I shall make a solemn declaration that I want further proof & request a commission to enable me to obtain such proof.

If the Captors wish to cross examine any proofs exhibited, the law of Great Britain & that of Nations will be their guide. If they Choose any further enquiry in their favour, it is useless for me to give the many particular names for I give them all France, America and the Universe to enquire of; yet if they could procure any thing in their favour, they would not thank me for so extensive a latitude for evidence, especially after a swarm of intricate arguments had long invested.

By the papers herewith exhibited you will see that my health is not yet fully restored that I have wrote late to the Hon<sup>ble</sup> Thos. Erskine Esq. on the subject of my cause and may soon expect —.

It was more than hypothetical to see Lord Duncan pay his respects to the aged Judge Marriot on the 12th of Dec. 1797.

I send this merely as the acknowledgement of said packet and to remind Doct<sup>r</sup> Moseley & Mr. Scott that they are very faulty in not immediately acknowledging Bills of Exchange &c.

What I may write on further deliberation &c time & Circumstances will determine, but you may expect to hear from me again before I leave Europe.

N.B. If you or any other person wishes to write me again they will have one more opportunity if they improve it soon by Calais before I leave Paris.<sup>1</sup>

The address was to 'Sam<sup>l</sup> Peters, LL.D.' and very formal. Allen was ill, and he felt that Peters, Scott and Moseley were influenced more by Slade than by him. He declined to supply the captors with a target to shoot at, by giving any other names than he had already given. Purposing to make a claim for large damages against England, when a final decision was reached, he did not intend it should be said that he had acknowledged need of more evidence.

On September 14, Allen wrote Slade that the requisition

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 880, Library of Congress and University of Vermont.

sent to the Governors of Vermont and Massachusetts for examining witnesses would not answer the purpose, and requested him to obtain one that would enable him when he arrived home to take depositions, not only in those two States, but in Connecticut, New York, and Lower Canada. If furnished with such a requisition, 'I pledge my honour that in a very short time after my arrival in my native Country I will furnish proofs to substantiate . . . every paragraph contained in the list of proofs I sent to you.' <sup>1</sup>

Balsa, the French interpreter, wrote, September 22,<sup>2</sup> that all of his effects would be sold and he turned into the street with a sick wife if Allen did not furnish him or arrange with his bankers to pay Balsa two hundred pounds. Allen had already advanced him more than one thousand dollars. There is no record that Allen came to his rescue, but he did draw out of the bank one hundred louis (four hundred dollars) on September 28.<sup>3</sup>

On September 26, he wrote again to Thomas Erskine sending copies of former letters to him and Slade and requesting his assistance in obtaining a requisition for him to secure evidence in the United States.<sup>4</sup> This, to insure delivery, he sent to Dr. Moseley by a Dr. Tydman, who was going to London from Paris.<sup>5</sup>

His ill health suggested grave doubts of his ever reaching the United States again. Hence, as a safeguard, he, on October 1, made out a power of attorney giving to Noadiah Bissell, Abel Allis of Manchester, Heman Allen of Colchester, Orange Smith of Highgate, and Roger Enos, Jr., of Hartland, full power to procure evidence, receive all money or property awarded to him by the court, 'and to settle all my mercantile and other business in' England.<sup>6</sup>

After July 13, when he returned to Paris, he had not been able to do more than write necessary letters, and ride a horse every pleasant day. On October 15, he paid his bill for the use of the horse '324 livres' <sup>7</sup> — about sixty dollars.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 879, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 1062.

<sup>3</sup> *Ibid.*, No. 885.

<sup>4</sup> *Ibid.*, No. 882.

<sup>5</sup> *Ibid.*, No. 881.

<sup>6</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 886.

<sup>7</sup> Wilbur Photostats, No. 922.



On October 21, he wrote Dr. Francis Swedieaur:

In grateful remembrance of your attention to me in prison and reflecting on the change of medicine in prison which, if I had been deceived so as to have taken it, no doubt it would have soon put a period to my existence. In consequence you would have been arrested, imprisoned, &c. Sensible of past events & wishing further to cultivate your acquaintance, I invite you to my Native Country and hereby promise to make you a present of the use of a convenient house, garden, stable, hay and provender sufficient for three horses regularly supplied at my expense during your life . . . and further I will use my utmost exertion as a member of the Corporation of the University of Vermont that you shall have the appointment of Professor of Physic in s'd University.

I hope it will be agreeable for you to go to Vermont where I believe real liberty is as much enjoyed by its Citizens as in any part of this world & I expect that the University of Vermont will be enabled to & extend much useful information to the present and rising generations.<sup>1</sup>

His faith in the liberty enjoyed by citizens of Vermont was soon to receive a severe shock.

On October 26, he sent a legalized certificate from Dr. Swedieaur respecting his health, 'which will account for my long stay in France since out of prison and be a useful document for damage; for all the evils I have experienced in France are chargeable on the captors for, had they not violated a recent treaty, . . . I should have long since been with my family.'<sup>2</sup>

On October 20, Allen secured a pass from the Minister of Police to permit him to proceed to Bordeaux.<sup>3</sup>

He had, on October 14, paid six hundred francs for a passage from Bordeaux to Philadelphia and was to sail on the ship Neptune when she was loaded and ready. She was detained over a month; Allen went to Bordeaux and on November 22, paid Captain Henry Dandelot fifty-six dollars 'for his board from hence to Philadelphia.'<sup>4</sup> Isaac Cox Barnet, agent of the United States at Bordeaux, gave him a passport for the United States.<sup>5</sup> He set sail on November 23.

Allen, not wishing to sleep in a close cabin with several foreigners (he was the only English-speaking person on board), had a small cabin built on the deck near the center of the ship,<sup>6</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 887, Library of Congress and University of Vermont.

<sup>2</sup> Wilbur Photostats, No. 888.

<sup>3</sup> *Ibid.*, No. 919.

<sup>4</sup> *Ibid.*, No. 930.

<sup>5</sup> *Ibid.*, No. 889.

<sup>6</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 954.

at his own expense. Four years previous, on November 12, 1796, he had sailed from Ostend with high hopes. What a lifetime of experience had been crowded into those four terrible years! While he is sailing some forty days across the Atlantic, a narrative of happenings in Vermont will prepare the reader for the reception accorded Allen on his return.

Vermont party feeling was very bitter during the year 1800. The members of the Federalist Party were called British sympathizers in Burlington, where those engaged in smuggling had many friends. The Supreme Court of the State did not convict men who had shot and killed United States revenue officers. The Legislature met October 9, at Middlebury. Isaac Tichenor was again elected Governor, and the Federalists controlled the House by a majority of about ninety-five to seventy-three. A few of Ira Allen's old friends were in attendance and all of his political enemies.

On October 20, General Eli Cogswell and others brought in a petition praying that the State buy arms for the militia, which had been referred from the last session. The only response they could obtain was leave to withdraw the petition. Elijah Paine, who had endeavored to locate the University of Vermont in his town, was elected United States Senator. There was a drive from several quarters to destroy the university at Burlington and, had it not been that Burlington controlled a number of Federalists' votes, Allen would have come home to find even his university gone. Silas Hathaway and others petitioned to have the university located at St. Albans; then Gamaliel Painter obtained a favorable report from a committee of the House to establish a university at Middlebury.

When the vote was taken, there were one hundred and seventeen votes in favor of Middlebury to fifty-one against. These fifty-one comprised nineteen, the solid vote of Chittenden County, fifteen out of eighteen from Franklin County, six out of twenty-three from Rutland County, and two from Bennington, one of whom was Jonathan Robinson, to his credit; the other eleven were scattered votes. The Federalists paid off some old grudges in this vote. The Council concurred and the act was passed November 1. This put a college within less than forty miles of Burlington. Niles, from Orange County, then introduced a bill prohibiting the University of

Vermont leasing any more lands that had been granted by the State. Burlington woke up, and this bill was defeated one hundred and eight to fifty-four. One important matter came up, and even Robinson advised referring it to the next session, as 'Ira Allen's evidence would be material.' The Legislature adjourned November 7.

A record of what had happened to establish the university in Burlington from the time of its incorporation on November 3, 1791, up to Allen's departure in 1795, and during his absence follows: The act provided that the Governor of the State and the Speaker of the House 'shall be ex-officio, Trustees &c.' The Governor was usually elected president of the board. The first meeting of the trustees was held on the day the act passed. Governor Chittenden was elected president, and Samuel Hitchcock, secretary of the board. Ira Allen and one other were appointed a committee to secure donations. The next meeting was held in Burlington, when the Legislature was in session in June, 1792. At this meeting Joshua Staunton, William C. Harrington, and Solomon Miller were added to the committee, and Allen was 'requested to make Application [which he did] to the State of New York &c for a grant of land and other donations.' After looking over different sites for three days, the present location of the college was decided upon, and Allen deeded to it about fifty acres of land. The Legislature met in Rutland in October, 1792. The trustees met there also, only five attending. On the 13th, a dispute arose 'between the Corporation and Genl. Allen with respect to the true construction of his memorial as it regards his donation of three thousand pounds, to settle which dispute . . . both parties agreed to leave it to the Circuit court next to be holden at Bennington.'

At a meeting held in Rutland, November 6, 1792, those present were Chittenden, Arnold, Olin, Allen, Woodbridge, and Hitchcock. Noah Smith was appointed an agent 'to apply to the government of the state of New York for a grant of a township of land &c.' Allen and Arnold were appointed 'to draft a memorial and address for that purpose.' They adjourned to the third Wednesday of January next. The next meeting was held in Windsor, October 15, when the Legislature was in session there. Chittenden, Allen, Hunt, Blood, Woodbridge, and Hitchcock were present. Reverend Burton



joined the meeting October 17, and at this time Joshua Staunton, of Colchester, a friend of Allen's, was elected a trustee. 'The question on Genl. Allen's memorial with regard to the £3000 by him subscribed to be paid in new lands, was taken up and debated without coming to a decision.'

The next day Allen made the following proposal which was accepted:

I will deed the lands I own in Middlesex and St Andrews, (except the lands sold by Col. Davis) to the corporation of the University of Vermont and, on receiving an agency, lease the lands free of expense to the corporation for wheat, beef, pork, butter or cheese and pass bonds to said corporation. I will pay one hundred and eighty pounds in said articles at the expiration of three years from the first of November next and continue to pay annually said sum for twelve years from this date and until said lands as aforesaid amount in rents to said sum and in case such lands should rent to more than said sum, the corporation, after duly examining such lands, shall relinquish annually forever afterwards the residue of such surplus rents to me and my bonds given up.

Voted, That early in the next summer a house shall be built on the College Square . . . 48 ft. in length, 37 feet in breadth to contain four rooms on a floor, two story high . . . lower story to be 10 ft and the upper story 9 ft. between joints . . . with a good kitchen annexed to it.

Staunton was appointed agent to contract for and build said house, and to collect and secure the donations. Allen was appointed agent to lease the university's lands. His bond for six thousand pounds, double the amount of his subscription of three thousand pounds in land (the balance of one thousand pounds subscribed by him was to be paid in cash or materials for the buildings), provided that he was to deed not less than ten thousand acres of land, and to pay one hundred and ninety pounds (about six per cent on three thousand pounds) annually beginning November 1, 1796. Should he not deed the land he was to pay three thousand pounds lawful money in lieu thereof. The corporation accepted his bond and gave him an agreement reciting the above conditions and agreeing to pay him any surplus rents. The papers were signed and accepted October 23, 1793.

The next meeting was held in Burlington January 31, 1794, Chittenden, Allen, Hitchcock, Staunton, Buck, and Woodbridge present. It was voted to apply to the Legislature for the grant of the lands made the Society for the Propagation

of the Gospel in Foreign Parts. Allen was appointed to draw a memorial to the State of New York and Noah Smith was requested to attend the Legislature at Albany and solicit a grant of land. They adjourned without day. Allen proceeded at once to lease the lands and employed his mills in sawing out the material to build the house. He left America in December, 1795, and did not return until January 1, 1801.

The next meeting of the university trustees was held October 17, 1798, present, Governor Tichenor, President; Farrand, Speaker of the House; Hunt, Woodbridge, Bethuel Chittenden, Staunton, and Hitchcock. A committee was appointed to examine Staunton's accounts for constructing the college house. The committee reported that there had been expended £552-0-½. Staunton had received subscriptions amounting to £145-12-0, and in notes and deeds of land, £140-17-7, leaving still due Staunton £406-8-½. It was voted to hold annual meetings of the trustees at the times and places of annual sessions of the Legislature.

The next meeting was held October 22, 1799, present, Tichenor, Woodbridge, Chief Justice; Marsh, Speaker; Hunt, B. Chittenden, Reverend Burton. A petition from the citizens of Burlington, 'praying that the board would proceed immediately to the appointment of a president of the university, was read and ordered to be referred to the next meeting of the board.'

A subscription of Burlington citizens amounting to twenty-three hundred and ten pounds, for the purpose of erecting a brick edifice and for procuring a library, etc., was read. The thanks of the board were voted. Staunton, who had not properly attended to the business of the university, resigned, and David Russell was appointed in his place. 'Resolved, That the Reverend Daniel C. Sanders, instructor of the academy in Burlington, have the use of the house for the president of the university and fifty acres of land adjoining for the time being.' The Reverend Daniel C. Sanders went from Vergennes to Burlington in 1799 and preached there in the Congregational Church, at the same time conducting a school in his house, where a small number of boys attended.

It was voted to notify by publication all trustees to be present at the next meeting of the board, to be held in Burlington in January, 1800. The subscription of twenty-three

hundred and ten pounds by the citizens of Burlington and the election of Dr. Sanders were undoubtedly the controlling factors (in Ira Allen's absence) in preventing the abandonment of the university at Burlington and the establishing of that at Middlebury.

A meeting of the trustees in Burlington, January 7, 1800, was adjourned to the 13th, present, Governor Tichenor, Justice Woodbridge, Reverend B. Chittenden, Staunton, Marsh, Speaker of the House, and Hitchcock. Burlington controlled a majority of the board. They proceeded to appoint additional trustees, Daniel Sanders and W. C. Harrington, and, on the next day, David Russell. Sanders was elected secretary; Harrington was made treasurer and agent to take charge of 'lands and lease the same.' Marsh was made a permanent member of the board. The meeting adjourned to meet again in June. This and the preceding meeting were held at Harrington's rooms. The board met, June 19, with eight members present. After a long 'conversation' respecting the general interest of the university, leasing lands, etc., Harrington was added to the committee of Russell and Coit previously appointed to obtain a settlement with Staunton. The board adjourned to meet at Middlebury, October 17, at the house of Mr. Henshaw, when the Legislature, which was to meet there, would be in session and where the Burlington trustees would naturally be at a disadvantage. A bitter political battle was to be fought between June and October and this favored proceeding with the university at Burlington, as far as Tichenor was concerned, for he wanted Burlington's support. The majority vote, which was cast by the members of the Legislature in October in favor of Middlebury, would indicate that the location of the university was an issue of the campaign.

The following letter to Governor Isaac Tichenor, written the day after the election, outlines conditions:

BURLINGTON, *September 3, 1800*

SIR:

Your Excellency's obliging epistle was duly received, in four days after date. Respecting the right, of which you wrote, I am given to understand that much search has been made for the deed, but in vain. Neither Mr. Staunton nor the Chittenden family can give any information on the subject. Further knowledge may, perhaps, be ob-



tained by the time of our next meeting. Col. W. C. Harrington has actually leased several hundred acres of College lands; and, he tells me, he has written to confidential persons, so as to ensure the leasing immediately of all lands, through the State, which are sufficiently valuable.

An attachment has, likewise, in favor of the Corporation, been laid upon St. Andrew's Gore, in order to secure the amount of General Ira Allen's subscriptions. Mr. Buckley conceives this land to be worth \$40,000. Mr. Davis has, however, an attachment upon it of five thousand, though it can be made to appear that Mr. Davis owed Allen, when the General was setting sail for Europe.

The brick for the edifice are more than half completed; and in a sure way. Contracts are made for the laying the bricks next season. In brief, things proceed in a more prosperous train than my expectations.

Doctor I. Willard, President of Cambridge University has, last week, made me a visit, accompanied with his son, a former pupil of mine, now Librarian. The president intended traveling through the British provinces of Canada, but not finding a boat here, after waiting two days, he concluded to proceed no further. The Doctor is quite a valetudinarian. He spoke of your Excellency, personally and officially, in very high terms of respect. Being a good friend of mine, he has much encouraged me in our hopes respecting this institution. He conceives we have nothing to fear from Middlebury's exertions. He conceives, however, nothing could be so much in our favor as to be immediately organized; that this would make us known abroad as a literary institution; that it would procure us immediately a number of students; that better attention would be paid to its buildings and pecuniary interests; that this would be a good step towards procuring gradually books and apparatus; that it would discourage every future opposition to us etc., etc. Had proper officer, or officers, been appointed six years ago, I conceive that the lands would have been leased, Allen's liberality secured, subscriptions collected, an edifice erected, etc., before this time. Proper exertions here would have wrought wonders, compared with former sluggish movements.

In respect to instruction, I have a few students in the languages; all intended for a College education; and making, some of them in Virgil and Clark's introduction, very rapid progress. Several students are engaged to come from Montreal in Canada. Considering their academies are under French preceptors, we may form high expectations for that quarter, and want to secure these and other advantages, only to be known as an University.

Respecting the results of yesterday, [Election] the information must be very defective, so short a period having elapsed. For Governor, in this town, even the Democrats were right, many of them, at least; Colo. Pearl is professedly so. A scanty list of Representatives will be subjoined to this. No events have here transpired worthy your Excellency's attention. Excuse, Sir, the deficiencies, which must arise from 'calamo corrente,' fearing it will be too late for the post.

Accept, Sir, the cordial respect of your Excellency's most obedient and humble servant.

DANIEL SANDERS

The meeting was held October 17, nine trustees being present. The committee reported that it had not made a final settlement with Staunton, but had made progress. A committee of two was appointed 'to make a statement of the situation and progress of the University,' to present to the Assembly, 'if called on.' The trustees knew a fight was on. A petition was presented, signed by Burlington citizens, requesting the board to appoint a president of the university. It contained a promise to pay his salary for three years or until the university had funds sufficient to pay it. 'After a long conversation and due deliberation on the propriety and expediency of making such appointments,' the board proceeded to ballot; and the Reverend Daniel C. Sanders 'was unanimously elected president of the University of Vermont, now established at Burlington.' Action was taken to build, buy books, etc., and Tichenor was appointed to 'procure a plan for the college edifice.' Ira Allen's worst enemy was thus authorized to procure a plan for his university!

Tichenor, however, did nothing about a plan, and a committee was appointed to procure one at the next meeting. Few Vermonters have ever understood just how the university was established in Allen's absence. President Wheeler, of the university, in 1854, in an address delivered on the occasion of the Semi-Centennial Anniversary, said:

The reasons for this apparent neglect [between 1791-1800] are found in the absence of literary men to urge it forward, in the new and unsettled condition of the country, in the want of an active circulating medium, in the inexperience, carelessness and inattention of the principal agent [Staunton], who was engaged in absorbing business of his own, but more than all in a difference of opinion in regard to the conditions of the principal donation of Genl. Ira Allen, and to his absence from the country, and the pecuniary embarrassment consequent thereon. His absence, Dr. Sanders says, put a total obstacle in the way of carrying the institution into operation. To Genl. Allen, however, more than to any other man, perhaps than to all the others, are we indebted for the existence of the University, at the early day in which it sprang into life. And we are especially indebted to him for its location.

Thus closed the year 1800; the university was saved to Burlington, where Allen had located it, and he was sailing home to engage in a struggle to regain his fortune.

## CHAPTER XXIX

### PLOTS AND PLOTTERS

1801

THE good ship Neptune anchored off Philadelphia on January 2, with a large cargo and eight passengers, including, as announced in the newspapers, Major-General Ira Allen.<sup>1</sup> The ship had taken the southern course and the weather was mild and warm. He had stood the voyage well, but found soon after landing that his health was not sufficiently restored to admit of his going north to Vermont until spring. He could not endure the cold of Philadelphia and decided to go to Washington and Richmond.

When it was known in Burlington that General Ira Allen was on his way home from Europe . . . the people there who had been speculating in . . . his lands . . . had several meetings to agree how to settle with him and welcome him home. It was proposed to meet him with a company of horse and escort him into town and to provide a public dinner; the opinion of Judge Law was solicited, who gave for answer, *that he thought General Allen would consider it a greater compliment, for them to give up the lands they had stole from him.*<sup>2</sup>

The trustees of the University of Vermont met at the home of William C. Harrington in Burlington on January 13. After authorizing Daniel Sanders to prepare by-laws and rules for its government, they adjourned 'to meet early [seven o'clock] to-morrow morning upon the College ground, to direct the site for the edifice.' The next day Staunton, the agent, who had agreed to make a settlement, failed to appear and, there being no quorum, no business was transacted.

Few lawsuits ever tried in any court had introduced the testimony or names of so many eminent men of the world as this cause of Allen's. On January 15, the Duke of Portland made affidavit to Allen's calling upon him in 1796, their talk about the canal, and his statement that he was a large landed proprietor in Vermont. This was filed with the Court of Appeals.

<sup>1</sup> *General Advertiser*, Philadelphia, Monday, January 5, 1801.

<sup>2</sup> Allen's *Particulars of the Capture, etc.* (1805), p. 1.



Allen from Washington, on January 14, wrote to Bird and Company, of New York, inquiring what disposition they had made of the arms as well as their latest news from London regarding his cause.<sup>1</sup> He wrote again, two weeks later, and after a few days he received a reply to his first letter which did not contain the information in detail that he had requested.

On January 19, he wrote to his wife to send Heman to Washington with all the papers they had obtained respecting his case and to stop one day in New York and get a detailed statement from Bird and Company.<sup>2</sup> He sent the letter to Stephen Pearl, of Burlington, with the request that he forward it to Mrs. Allen, making this comment:

In the time of the American War [Revolution] some Tories that stayed at Onion River quarreled amongst themselves respecting the division of my intervalles [lands]. I hope in a short time to see you and my friends in Vermont.<sup>3</sup>

Eight days later, he wrote his old friend, Joseph Fay, who lived in New York, requesting him to call on Bird and Company<sup>4</sup> for a detailed statement of his account with them and desired Fay to send him a copy of his 'History of Vermont' and the 'Particulars of the Olive Branch.' He had not received the fifty copies of each sent to him by Dr. Moseley, which were held up at Dover. Three days later, he wrote Fay again that he had heard the State of Virginia wanted to purchase arms and he was therefore anxious to get a full statement.<sup>5</sup> He heard from both Bird and Fay, but, not receiving details he had requested, he wrote both, on February 2,<sup>6</sup> that he required to know the amount due Bird, Savage and Bird; that is, the sum they had advanced to Allen and their expenses, how many of the arms had been sold and the amount of money received; this deducted from the amount advanced was all Bird and Company could claim or hold the arms for, except the amount of the appraisal, which was all the captors could claim even if the case was decided against him. Allen evi-

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 891.

<sup>2</sup> Vermont Historical Society; also *ibid.*, Wilbur Photostats, No. 892.

<sup>3</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 893, Library of Congress and University of Vermont.

<sup>4</sup> Wilbur Photostats, No. 894, *ibid.*

<sup>5</sup> *Ibid.*, No. 895.

<sup>6</sup> *Ibid.*, No. 896.

dently did not concede that the arms or the proceeds of their sale might in addition be considered security for costs.

He desired to know now, if there were any arms unsold and, if so, whether he could sell them and obtain any equity for himself. Allen figured, and correctly so, that, if Bird and Company had sold enough arms to cover their appraisal of about thirty thousand dollars, this money they would have to hold until the case was decided, as they were holden for it to the Lords of Appeal. For argument's sake, if they still had, say, ten thousand of the arms on which they had a claim of thirty thousand dollars for money advanced and expenses, it would be three dollars on each musket; and if Allen could sell, say, one thousand guns at eight dollars each, he naturally wanted to ascertain if he could obtain any part of this excess of five dollars a gun.

During January, Allen's brother Levi died within the limits of the jail yard in Burlington, where he was confined for debt. His estate was valued at \$33,542.56, but he owed more than this amount and so was insolvent. A Vermont law provided that whoever claimed the body of a debtor and took it outside the limits of the jail yard would have to pay the debts for which the body was held. In this case a resurvey of the jail yard was made and the yard was extended to take in a portion of the burial ground for his interment.

On February 4, Joseph Fay wrote Allen, that Heman, his nephew, was then in New York and that he had sent him at once to Bird for the statement; that he had a number of documents Heman had left with him subject to Allen's order and that he had a copy of Allen's 'History of Vermont'; the book on the Olive Branch he had sent to Mrs. Allen 'soon after received.' He had no recent information of the trial in London.

I have had in my possession your 21,000 Dutch rescriptions for several months, not being able to negotiate them here without loss, have delivered them to your nephew as he will advise you, I did not ask him how they were to be disposed of, should you have occasion to send them to Holland for payment I can transmit them immediately to Messrs. D. Crommeline & Son with whom I am acquainted . . . and you may soon have returns . . . as I hope soon to have the pleasure of taking you by the hand I defer &c.<sup>1</sup>

Heman wrote, February 2, 3, and 11; in the last letter stat-

<sup>1</sup> Vermont Historical Society.

ing that he did not know whether his uncle expected him to go on to Washington, as he had not heard from him before he left home. He had obtained the affidavits wanted and had left them with Fay. He had been unable to borrow money to take him to Washington, so would start for home on the stage to Albany, where he had left his horse and sleigh. He concluded, 'the sooner the money can be had on the rescriptions the better, as we have borrowed money, which honor and duty call aloud to be paid.'<sup>1</sup>

Allen heard that Samuel Hitchcock (whose wife was an heir of Ethan Allen) and Dr. A. Allis (who had married Remember Baker's daughter) had brought suit against him. On February 8, he wrote Noah Smith, Enoch Woodbridge, and Lot Hall, who evidently were judges of the court:

I thought it was sufficient to be persecuted by two of the Belligerent Powers of Europe without my old friends taking the advantage of these circumstances to give trouble to my family. . . . [My detentions] are sufficient grounds for continuing all suits against me till I can have an opportunity to answer in my own defence. . . . I therefore expect justice in the State of Vermont.<sup>2</sup>

He added that he expected soon to be in Vermont.

The next day he wrote Fay<sup>3</sup> of a letter just received from Mrs. Allen telling him that she had had no news of his arrival except from the newspapers on January 25. He had written her several times. 'It is mysterious what becomes of my letters.' He enclosed a letter to her requesting Fay to send it to his nephew, John Fay, a lawyer in Burlington, to be given to Mrs. Allen.

On February 10, he addressed 'the Judges of the Honorable County Court in the County of Chittenden in the State of Vermont,' requesting that all cases against him be continued one term.<sup>4</sup> He also wrote to the judges of the Supreme Court, sending both letters to Fay to be forwarded and requested him to notify Mrs. Allen not to write again, as he would soon be at home.

He had gone to Washington evidently to prepare the way for his claim for damages against Great Britain. He wrote

<sup>1</sup> Vermont Historical Society.

<sup>2</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 897, Library of Congress and University of Vermont.

<sup>3</sup> Wilbur Photostats, No. 898, *ibid.*

<sup>4</sup> *Ibid.*, No. 899.



Bird and Company on the 26th, acknowledging the receipt of their statement and informing them that it did not give the details he required, but that he would see them in New York soon after the 4th of March.<sup>1</sup>

Thomas Jefferson became President of the United States on March 4, 1801, with James Madison as Secretary of State. The Federalists were out and Ira Allen, being an ardent Republican, must have felt that, with a Republican government, his affairs would soon receive attention.

He called on President Jefferson, who requested his opinion on conditions in Europe. He stated that in his opinion hostilities would soon take place between France and Austria and 'that the Northern Powers were no doubt concerting measures for the freedom of the seas; that the influence of the Northern Powers, force and energetic measures of France would cause a separate peace with Austria the present year.'<sup>2</sup>

When Heman reached Colchester and read his uncle's letter of January 19, he started at once for Washington. Meeting Heman, the only member of his family he had seen in five years, was Allen's first real pleasure since arriving in America. When he had parted from him in Boston in 1795, Heman was little more than a boy; now he was a young man twenty-two years old. Allen, on March 7, gave him a letter to the chief clerk in the office of the Secretary of State, that he might obtain for him copies of the correspondence with the British Minister respecting St. Albans which the British were still trying to retain. He was also to obtain copies of Pickering's letters to Rufus King. Pickering's letter of April 6, 1797, must have caused him anger and chagrin. This was Heman's first visit to Washington. Neither of them at that time would have predicted his brilliant future both as a member of Congress and United States Minister to Chili, and his later familiarity with the Secretary of State's office, which he now visited for the first time.<sup>3</sup>

During the last of March, Allen went to Richmond to see Governor James Monroe regarding the purchase of arms for the State of Virginia. He returned to Washington soon after April 1. Before going he had requested Levi Lincoln, Secretary of State, to write to Rufus King about his case in London.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 901, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 905.

<sup>3</sup> *Ibid.*, No. 904.

On his return he learned that this could not be done without President Jefferson's instructions. On April 4, he wrote the President,<sup>1</sup> and on April 8, Lincoln wrote to King.<sup>2</sup> Allen was given the letter and on the 14th he wrote King, 'I have the pleasure of transmitting to you a letter from the Secretary of State . . . and must request your further assistance, that I obtain speedy justice in my cause.'<sup>3</sup>

Allen was receiving every courtesy in Washington, but he was to receive a rude shock from Vermont. Hathaway, to retain his hold on Allen's lands deeded from Hull, had, for small sums, purchased any judgments he could against Allen. One that he purchased was obtained by Cull, of Fraser & Cull, of Quebec, mentioned in an early chapter. In December, 1800, Hathaway had gone to New York and borrowed sixty-five hundred dollars from the Quaker merchant, Robert Bowne, who had, through Hathaway, obtained a judgment against Thorn and attached Allen's lands. Hathaway gave as security for this loan all the land in Georgia deeded to him by Hull, guaranteeing four thousand acres and the Cull judgment which, with interest, amounted to about six thousand dollars. When Hathaway heard that Allen was in Washington, he sent Samuel Fitch there to have Allen's body attached. Fitch employed a lawyer and he at once got out an attachment. Allen induced two men to sign his bail bond to prevent imprisonment, and deposited with Mr. Mason, president of the Columbia Bank, the Dutch rescriptions (that Heman had brought to him) as security. On April 10, Fitch wrote his lawyer not to arrest Allen, and, if he had done so, to release him at once.<sup>4</sup> Bowne heard that Allen was in Washington and sometime after the arrest he sent the Cull judgment to his lawyer in Washington, who wrote him that Fitch had 'dumped' the suit and returned 'script' and left.<sup>5</sup>

In England, designing men, aided by the British Government, had tried and were endeavoring still to deprive Allen of property valued at one hundred and fifty thousand dollars; while in the United States others were trying to obtain his

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 906.

<sup>2</sup> *Ibid.*, No. 908.

<sup>3</sup> *Ibid.*, No. 910.

<sup>4</sup> *Ibid.*, No. 909.

<sup>5</sup> *Mitchell Papers*, in possession of M. B. Clark, Burlington, Vermont. (Destroyed by fire February, 1928.)

lands in Vermont worth several hundred thousand dollars.

Allen went to Philadelphia from Washington, and from there, on April 11, wrote to Slade urging him to press the court for a decision. He may have felt that a decision against him would not be as bad as further delay. He would make a claim for heavy damages, and with a friendly administration his chances would be favorable.

His solicitation to Governor Monroe resulted in the appointment of Mr. Williamson to proceed to New York and inspect the arms. Allen gave him a letter to Bird and Company. His apology for not accompanying him was that he owned fifty thousand acres of land in Pennsylvania and wanted to learn its value and 'concert measures for its sale.'<sup>1</sup> This may have been his interest in the 'Wyoming' land inherited from his father.

On April 14, Allen wrote Isaac Scott, linen draper, London, that he had 'transmitted to Mr. Slade to be forwarded to Mr. King, a letter from the Secretary of State.' He had learned to insure delivery of his letters and to prove it by witnesses. He wrote Scott that the balance due him from

John Finch deceased will be paid as also the claims of Dr. Isaac Moseley. Please to inform Dr. Moseley that I recommend to him to close his business in London and come to the United States, he shall be sure of a safe asylum in Vermont. I wish him to bring with him the cloth &c left in his care, with my books with the Printer.<sup>2</sup>

Allen returned to Vermont early in May after five years' absence. Ira H., his oldest son, was now eleven years old; Zimri Enos his second son, eight; and Maria Juliette, who was a baby when he had left, was now about six or seven. His love for his children did not exceed that for his nephew Heman, who in all probability returned home with him. He must have been pleased with Heman, for he consulted him in business matters. Several suits were at once brought against him on old land matters; in one suit to recover about two hundred dollars Vermont money, damages of one thousand dollars were claimed.

Almost the first thing that claimed Allen's attention on his arrival was a university matter:

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 911.

<sup>2</sup> *Ibid.*, No. 912.



COLCHESTER, *May 18th, 1801*

GENTLEMEN: — I have observed that you are about to erect buildings on lands that have been appropriated for a public Green, to contribute both to convenience, elegance and use of the University of Vermont, Burlington, &c. Permit me to state facts. When the Corporation of said University stuck the Stake for the lands and public buildings, it was agreed to reserve a convenient Dooryard in front of said buildings, that the remaining public lands to the west should be appropriated to the use of a Green. I then proposed to the Corporation, in presence of a number of respectable Spectators, that as proprietor or owner of the lands to the north of the College Green, to the road leading from the lake past Mr. Loomis's to the falls of the Onion River, should also be added to said Green, and no buildings erected thereon. My long detention in Europe, no doubt predicated on the part I early took for the liberties and Independence of this and the United States, ought not to operate as an injury to a place made beautiful in the formation of the Earth, and by art may be useful to this and future Generations. If you persist in erecting buildings on said lands, you cannot hereafter blame me for not giving you the earliest verbal and written information, when I assure you that I shall use every influence in my power, as member of said Corporation, &c., to remove any buildings that are or may be erected on said lands.

I am, etc.,  
(Signed)

IRA ALLEN

MESSRS. NICHOLS, BARNARD, *etc.*

Allen's plan was adopted; land to the road was secured, and a beautiful green has ever since been maintained west of the buildings.

On May 28, he published, in the *Vermont Sentinel* of Burlington and the *Journal* of Windsor, a list of all the lands he owned in Vermont when he left for Europe in 1795, and warned people from purchasing any of it from any one but himself.

Early in June, Allen went to Boston not only to see Hull, but to ascertain the condition of the affairs of Finch (who had died there) and aid his family who had moved to Philadelphia.

A statement by Allen, dated July 2, and given to the press, explains conditions:

*To the Citizens of the United States &c*

Whereas on the 28th of May last I caused publication to be made in the public newspapers, cautioning all persons against purchasing of Silas Hathaway of St. Albans land in . . . as such titles would be disputed by me. But the conduct of Hathaway . . . induces me to make the following declaration. That in 1799 the said Hathaway

agreed with Mrs. Allen to pay the cent State land tax, on such lands in Colchester as she would designate, the list of lands was made by Heman Allen. Hathaway counted on the table and [it] was received by the Collector, sufficient money to redeem all the lands from the said tax, and gave in a list to the said Collector declaring that it was the same list delivered to him by Heman Allen. It afterwards appeared that it was a different list and that Hathaway obtained vendue deeds of a large part of the lands of Colchester. That Hathaway knew of a contract made by Roger Enos Jr. with Isaac Bishop for a quit claim deed of the town of Highgate (Bishop having purchased the same at public vendue) and had paid Bishop \$1500 and received a deed. Knowing this, Hathaway took a deed from Bishop and put it on record first, without informing Enos and boasts about it as an act to make my family give up papers &c. 'Now,' says he, 'meet me on the grounds proposed and Highgate shall be restored.' These among other facts on the severest scrutiny will evince, that, Hathaway allows himself in swindling, duplicity, falsehood etc. Mr. Hathaway and his associates purchased [a] debt from Quebec, etc. on hearing of my arrival in Philadelphia in January last after five years absence from my family and business, having been detained and imprisoned by both parties of the contending powers of Europe, which so far injured my health, that it was necessary for me to avoid cold weather; for this purpose I went to Washington and Richmond to tarry till the opening of Spring. On my return to Washington I was arrested by an agent sent from Vermont on a demand purchased in Quebec. I entered bail and was apprised of several similar snares set to detain me from home. After remaining more than one month at home, I went to Boston, and, while on some business there, was again arrested by a person from Burlington without any notice, at about 9 oclock Saturday night, they allowed me to enter bail the following Monday. On Tuesday (being informed that Hathaway was in Boston and that other suits were to be brought principally on papers respecting lands, clandestinely obtained, in consequence of my long detention in Europe, that would be of no value in Vermont, but might abroad compel me to get bail in a large amount, or close confinement in prison) I closed my business and left Boston.

It will be observed that no action was commenced during my tarry at home. If Mr. Hathaway has a good title to the aforesaid land that he claims, would he take such measures to compel me to surrender just and equitable rights? When such measures as these are used in the United States, may not a strong, suspicion arise, that the same combination have exerted themselves to deceive and mislead the English and French governments. To cause at least my detention in Europe, especially as no evidence was ever exhibited against me in the British high Court of Admiralty. When I set out for Europe in 1795, I held legal or equitable titles to the whole or a great part of the lands in Alburgh, Letterlock, Coventry, Duncansborough, Barton, Middlesex and St Andrews. (Plainfield). These are therefore to caution all persons against purchasing lands in said towns owned by me as afore-

said, or from purchasing any lands under a late pretended division of Burlington, for it is misterious how a proprietors meeting could be held in my absence, to render null and void surveys made in the year 1773 — confirmed by legal proprietors. Irasburg is the property of Mrs. Jerusha Allen, but I have been informed that Counsel have been consulted, without effect, to embarrass her in my absence, in the disposal thereof. Greetings, ratified by an act of the legislature of Vermont, improved in 1773 and since laid out a city; a donation of 4,000 pounds given by me to establish the University of Vermont in Burlington in 1791 and a court house etc. established, that said ancient improvements, city lots and lands may be [a] subject of future enquiry, for I shall perseveringly support my legal and equitable right thereto as also the rights of the heirs of Ethan Allen, late of Burlington deceased. Inviting all persons concerned in these matters, to an equitable settlement by mutual agreement, in preference to having recourse to law, I shall wait a reasonable time for that purpose.<sup>1</sup>

Graham had preceded Allen to Vermont and, being in the employ of the British, evidently felt it was time to manufacture some evidence, as he had been unable to obtain any.

He went to General Burton at Montreal and then to Quebec to Lieutenant-Governor Robert S. Milnes, taking with him this letter:

MONTREAL, 14th July 1801

The bearer, who calls himself Colonel Graham, will inform you of the purport of his journey to Quebec. I, however, think it proper to forward to you a copy of what he has stated to me. . . . I have reason to think that he has been too free in his communications.<sup>2</sup>

The next day General Burton wrote Major Green, military secretary to Milnes:

For the information of the Lieut. General . . . A person calling himself Colonel Graham, who resides at Vermont, by profession a lawyer, desired an interview. Opened his business by showing me an old pass of the Duke of Portland's, for him to go to Hamburgh [this was on the occasion of his visit to France to prepare for Ira Allen's reception]. Some letters and notes, from the Dukes of Portland and Montrose, Mr. King [English Under-Secretary] and Mr. Colquhoun written a good while since. Spoke of Mr. Wickham, Mr. Liston, etc., said he was in good circumstances, had £450. a year from Government; has the best house in Vermont, and is in considerable practice there. After which he put a paper into my hand a copy of which I enclose No. 1. After reading it, I requested him to state the matter if he could, more fully, he readily comply'd . . . a copy of which No. 2,

<sup>1</sup> *Vermont Gazette*, August 13, 1801.

<sup>2</sup> *Canadian Archives*, C-673, p. 89.



is likewise forwarded herewith. He expressed great fear of mischief to himself from the Vermontees, should he be known to have given the information contained in the two papers. . . . I have some doubt as to the credit that should be given to all that the Colonel has said, tho' there may be some truth in the business. He appeared to me to magnify matters, in the hope of some advantage, that he seems to point at for himself. He is a man that has seen the world, is not deficient in Ability, seems pretty acute; but has not all that prudence and caution requisite for the part he acts, and for the line he says he has followed, obtaining and giving information.

N.B. I must observe that Colonel Graham came from England not long since.\*

Statement No. 1 was as follows:

Major-Generals	
Isaac Clark	} of Vermont
Arwin	
Jno. Spafford	
Ira Allen	
Stephen Thorn	

A Major in the French Army lately arrived with French Commissions. Major-Genl. [William] Hull of Massachusetts, six miles from Boston. Major Jedid<sup>h</sup> Clark of Vermont.

Capt. Timothy Hinman, Lake Magog.

Silas Hathaway. Doctor Shaw, Capt. Hide, one Rogers has taken the plans, etc., and deliv<sup>d</sup> them over to Hathaway and Allen. Israel Keith, late Adj<sup>t</sup>. Genl. of Mass. he is on the Province line — owns iron works, &c. — he was judge advocate on the trial of the unfortunate Major André, as he says. Keith has two brothers who are settled in Upper Canada, have built iron works, &c. These men will make pikes, &c, for the New England settlers in that quarter. Secret committees are held — and a brisk correspondence is now carried on from one end of the United States to the other and with the Jacobins in Upper and Lower Canada. These Rascals are coming in and going out continually under the pretext of some other business — but for the express purpose of raising a rebellion. These facts and some others I know to be true — but it was expressly agreed by His Grace of Portland that my name should never be made known nor called in question on information I should give the government. These men are all disaffected towards the Federal Government, have but little to lose and their hope is in the idea of plunder.

Statement 2:

Sir, — I hasten to state for your consideration the following facts which have been stated to me from a quarter which can not be doubted (to wit) a great number of that Class of people in the American States called Jacobins, Democrats, &c., in Conjection with many of their countrymen who have emigrated into His Majesty's Pro-

\* *Canadian Archives*, C-673, p. 81.

vinces of Upper and Lower Canada, are now most assiduously employed to raise a Rebellion in the same, in hopes thereby totally to destroy His Majesty's Government in said Provinces. So far as I have been able to collect information the following are some of the head leaders.

#### Vermontees.

Genl. Isaac Clark. A slender built man thin favoured black eyes.

Genl. Jo<sup>n</sup> Spafford — A large boned man, about 6 feet high, dark complexion and black eyes.

Genl. Ira Allen a good size, round fac'd, a full black eye, and bald on the top of his head.

Genl. Brown — a good size and dark complexion with light eyes.

Stephen Thorn, of Granville, New York. A large stout man, dark complexion and black eyes and hair.

Major Jed<sup>h</sup> Clark Junr. — of the County of Rutland Vt. a slim person, dark complexion and black hair and eyes. Silas Hathaway well known at St Johns. Doctor Shaw, of Castleton Vt. a large stout man, light complexion and dark hair. Capt. Hide of Castleton, a stout man, light eyes and complexion and a very great talker.

Capt. Tim<sup>y</sup> Hinman of Lake Magog a large stout person, light Complexion, Israel Keith. [no description, information same as No. 1]

It is declared to me in case Jefferson should not agree to be passive in the business — at all hazards the attempt will be tried — and that very shortly.

Small arms ammunition &c is collecting by these rascals for the purpose, I am likewise assured that every person of the Junto has a number by which he is known and called — such as 50, 51 and so on — Ira Allen within the last 30 days has collected a number of depositions of the very persons who were and still are concerned with him in the 20,000 stand of arms — he went to Boston and forwarded them and had returned to Lake Champlain the day previous to my setting off for this place — by these depositions he entertains hope that the arms will be released.<sup>1</sup>

Milnes replied to General Burton on July 19, as follows:

I had the honor to receive the Letter you sent me by Colonel Graham together with his depositions. I agree with you in opinion that he has been too free in his Communications, and I even cannot help having some doubts with respect to the degree of Credit his information is entitled to; I find, however, by a dispatch from the Duke of Portland that he is therein mentioned as having given information to Government on a former occasion, part of which proved to be well founded. I enclose an Extract from that dispatch — I have not discouraged him from giving further information, but I have thought it right to inform him that he cannot be considered as entitled to any claim upon Government unless that information is so direct as to

<sup>1</sup> *Public Record Office*, London, C.O. 42, 117; also *Canadian Archives*, C-673, p. 94.

lead to the absolute detection of the Person or Persons he suspects to be employed in this Province or giving such particular information with respect to the neighbouring States as leaves no doubt of their designs.<sup>1</sup>

This intrigue discloses Graham's adroitness in this sort of work. It was comparatively easy for him, with the captors' money, to confine Allen in prison during the disturbed conditions in Paris. The information in these papers was credited enough by Milnes to induce him to send it to the Duke of Portland. Had Allen gone to Canada at this time, he probably would have been put in prison at once, even during peacetimes.

Graham desired the Government to receive information from another quarter which would strengthen his, and interested or employed a respectable young Englishman who quite likely performed his part innocently. Graham secured his services under pretext that this would protect the British Government. Graham had two confederates on the boat from Montreal to Quebec hold a conversation loud and near enough to the young Englishman, whose name was Bolton, that he might overhear it, with the understanding with Bolton, if he heard anything worth reporting, that he would relate it to Governor Milnes. The following is the official record. Graham had supplied the names to insert in the affidavit to invalidate affidavits that Allen had mailed in June to London. Graham in his statements gave names of all who, to his knowledge, had signed Allen's affidavits, even those of Hull and Hathaway with whom he was then associated in their attempt to steal Allen's property.

(Separate & secret)

QUEBEC, *August 1st, 1801*

MY LORD:

I have the honor to inclose 'a' 'b' — copies of two papers, which I think — it necessary to lay before your Grace. They contain notes respecting intelligence given to Major Gen'l Burton at Montreal by a Mr. Graham, written by himself, and which Gen'l Burton directed him to deliver to me in person at Quebec, where he arrived on the 17th day of July.

On conversing with Mr. Graham, I could not learn from him any further circumstances than that are mentioned in his two statements, though he dwelt more particularly on the confidence of success enter-

<sup>1</sup> *Public Record Office*, London, C.O. 42, 117; also *Canadian Archives*, C-673, p. 97.



tained by the persons mentioned in those statements on account of the inconsiderable number of troops now in the Canadas.

I repeatedly pressed him to point out the emissaries, whom he states to be employed to raise a rebellion in the Canadas. The only person he could name was one Rogers, a school master, whom he mentions in his statement No. 2, as having furnished plans of the Country, but he could not say where he was to be found nor even what part of the Country he had taken plans of. I did not discourage him, however, from giving me further information and fixed upon a mode of correspondence, but I thought it proper to appraise him that he can not be considered as entitled to any claim upon Government, unless that information is as correct as to lead to the absolute detection of the person or persons he suspects to be employed in the Province as emissaries or giving such particulars with respect to the neighbouring States as will leave no doubt of the designs there forming.

I find Mr. Graham (who has now taken up his residence in the State of Vermont) formerly resided in England, and is mentioned in a dispatch, dated 20th January, 1797, from your Grace to Gen'l Prescott, as having given information that the military stores taken in that vessel were intended to arm the Vermontese for the purpose of promoting an insurrection in Lower Canada.

I have written to Lieut. Gen'l Hunter, who is now in the Upper Province, to acquaint him with these particulars and likewise to Mr. Thornton [British Minister] at Washington; these precautions, I thought necessary, though neither Gen'l Burton or myself are disposed to give implicit credit to Mr. Graham's assertions, particularly as Gen'l Burton found he had mentioned the object of his coming here to several persons at Montreal, so that it became a subject of public conversation, which ill accords with his pretended apprehensions, repeatedly expressed to me, that his assassination would undoubtedly be the consequence of his being known to have given intelligence to the English Government.

Although this conduct of Mr. Graham's appears to invalidate in some degree his information and make it doubtful how far he is to be trusted, yet as he declares himself to be in the service of His Majesty's Government, for the express purpose of giving intelligence, and as that formerly given by him was recommended by your Grace to notice of Gen'l Prescott, I should not feel myself justified if I were to suppress what he has now brought forward.

Since Mr. Graham left Quebec, to me circumstances relating to the designs of the Vermontese and the destination of the arms taken in the Olive Branch in the year 1797, have come to my knowledge through a different channel, which corroborates the intelligence given at that time by Mr. Graham and perhaps may be of importance to determine the final decision of the admiralty court, respecting those arms.

An English gentleman, Mr. Bolton, from Uppingham in Rutlandshire, extremely well connected in England, and brother-in-law to

Sir Charles Knightley of Northamptonshire, but who is now settled in America, in consequence of some derangement in his private fortune, lately come to Quebec and on his way accidentally in the course of his navigation down the River, overheard two persons conversing together, respecting the return of Ira Allen to America, and his being employed in procuring false certificates from Vermont, to prove that the arms taken in the Olive Branch, were only intended to arm the militia of that State, with a view to obtain the restoration of them. Mr. Bolton, being considered by these persons as an American, easily drew from them by what means they happened to be acquainted with Ira Allen and his designs. Considering their information of some importance, Mr. Bolton mentioned it to me and at my desire prevailed on one of the men, who accompanied him to Quebec, to make his deposition 'c' — before a magistrate, this deposition, I have the honor to inclose herewith and Mr. Bolton at my request is gone in pursuit of the other man to obtain a further deposition from him.

As I have no doubt that Mr. Bolton may be depended on and as, from his profession as a barrister, he is acquainted with the leading characters in Vermont, I have desired him to collect all the particulars he can procure and inform me if he finds reason to think any further designs hostile to His Majesty's Government are to be apprehended from that Quarter, which may throw some light on what has been asserted on this subject by Mr. Graham.

I have the honor to be, My Lord, your Grace's, most obedient and most humble servant,

ROBT. S. MILNES

Endorsed: His Grace the Duke of Portland, etc., etc.

Quebec 1st August, 1801, Lt. Governor R. S. Milnes,  
separate and secret, r. 23 Sept., ans'd 13th Oct'r.  
(three enclosures) <sup>1</sup>

July 24th, 1801

Province of }  
Lower Canada } Gs.

Jean Jagnon of the Parish of Chateau Richer now resident in the Seigneurie of Saint Amand in the District of Montreal, in the said Province, potter, being duly sworn upon the holy evangelists of Almighty God, doth depose and say, that during the months of January, February and March, which were in the year of our Lord one thousand, seven hundred and ninety six, he, this deponent, was resident in the house of Asa Holgate, storekeeper of Yavomkupy, situate in the Township of Swanton in the State of Vermont at the distance of seven miles from the line which divides his Majesty's province of Lower Canada, from the aforesaid State of Vermont, in the quality of a hired servant of the said Asa Holgate. That, during the above period, regular meetings, every week, were held at the house of the said Asa Holgate, some times twice or thrice, but never less than once in a week, at which the following persons usually attended, namely;

<sup>1</sup> *Canadian Archives* Q-87-1, pp. 151-55.

The late said *McLane*, who was executed at Quebec in July, 1797 for high treason; *Silas Hathaway*, of the Township of Saint Albans; *General Ira Allen*, of Onion River in the State of Vermont; *Asa Holgate*, above named; one *Major Douglas*, of the State of Vermont; one *Curtis*, who then resided near the Province Line, in the State of New York; *Major Morill*, of Saint Albans, aforesaid; one *Thomas Butterfield* of Swampton; one *Blanchard*, formerly of the Province of Lower Canada; one *Doctor Green* of the State of Vermont, or Massachusetts Bay; one *Brigham* of the Province of Lower Canada; one *Francois Duclos* of South River in the said Province; *Asa Marble*, formerly of Hartford, in the State of Connecticut; *Doctor Sarle* of the State of Vermont; *Stephen Thorn* of Granville in the State of New York; one *General Clark*; one *Keith*; one *Duplessis*, of the Province of Lower Canada, and as this deponent understood of the City of Montreal; one *General Hall*, High Sheriff of the State of Vermont; one *Col. Keyes* of Burlington, in the State of Vermont, and many other persons to the number of forty or perhaps more unknown to this deponent. That these meetings usually consisted of twelve or fifteen of the above persons and occasionally of thirty and more, that it appeared to this deponent that the subject matter of these meetings must necessarily be of an extraordinary nature, because whenever these deponents had occasion to enter the room in which these meetings were held for the purpose of carrying . . . liquor or anything else, that was asked for, all conversation immediately ceased, and because on a particular occasion, this deponent's master, Asa Holgate, assured the above named Ira Allen, in the hearing of this deponent, that he had not occasion to fear the deponent and might safely speak before him, as he only understood a few words of English and not sufficient to comprehend what they were talking about, to which Allen replied: 'It is sufficient if he understands but a few words, he may then comprehend us.' That these events and the deponents conjectures awakened his curiosity and induced him to listen at the door of the apartment, in which the Assemblies were held, from time to time. That from what he heard, he very shortly discovered that the general object of these meetings was to excite a rebellion in his Majesty's Provinces of Upper and Lower Canada, and to effect the destruction of his Majesty's Government in the said Province; and that to this end, consultations were held and various means proposed by different members and debated in these Assemblies. That it was, however, agreed by all that forty thousand of arms would be necessary to effect the objects which they had in view, that at one meeting, which was held, as the deponent thinks, on the same day in the month of February, in the said year 1796, at the house of the said Asa Holgate, this deponent heard the said Ira Allen propose as follows: 'That as the Government of France had agreed to furnish the above quantity of thirty thousand stand of arms for the purpose aforesaid, and it was requisite that great care should be taken in getting them into Vermont, that he himself would go to France and personally bring them out to America, as his own property, and to the end that the said



arms might in case of capture, or suspicion, appear to be the property of him the said Ira Allen.' He further proposed: 'That, as the militia of Vermont were then generally unarmed, the arms should ostensibly be brought out by him for their use,' that is, that he, the said Ira Allen, should be made to appear as the purchaser of the above quantity of arms upon speculation, and with the intention of selling them to such of the militia of Vermont as were not furnished with arms and to give the better colour to this idea he proposed to execute a fictitious mortgage of all his property in the State of Vermont, whereby it should appear, that he had raised the sum of thirty thousand pounds, which he calculated to be equal to one half the value of the arms to be imported, observing that in case of capture and upon any other occasion, it would appear that he had actually raised one half the value for the purpose of purchasing the said arms, and that in France, he would furnish himself with papers from the French Government, who would of course assist him whereby it should appear that he had actually paid the said one half of the value of the said arms, which he had raised and had obtained a certain period for the payment of the other half. That it would however, be necessary to have such papers executed between him and the said Ira Allen, and his fictitious mortgages as would effectually guarantee him the said Ira Allen and his heirs against any claim upon his property, which might be so as aforesaid, ostensibly mortgaged. That this proposal of the said Ira Allen was debated several times, at several subsequent assemblies of the above mentioned persons and ultimately agreed to and approved of by them, upon which Allen observed 'Well now I am upon my journey.' That the said Ira Allen was however present at one subsequent meeting of the said persons, which was held at the House of the said Asa Holgate five days after and very shortly after this deponent was informed that the said Ira Allen was gone to France, and further this deponent saith not.

Sworn this 24th day of July, 1801, before me

THOMAS DUNN, I. B. R.  
R. S. M.

Endorsed; C.

In Lieut. Gov'r Milnes's

separate and secret of 1st

Augt, 1801, to the Duke of Portland.

Another part of Graham's scheme was to hire a man named Rogers to organize a secret society in Montreal, which was supposed to be connected with secret societies in Vermont to recover treasure in or near Montreal. The federation was a myth; Rogers informed some half-dozen people of the treasure, pledging them to secrecy, and Graham did the rest by circulating a rumor that they were going to blow up the city of Montreal and plunder the inhabitants. He arranged that

Rogers should escape, so that he would not betray the instigator. Without this sworn evidence, no one would believe that one man could excite the principal officers of any government on such flimsy evidence, though from the days of Haldimand all the governors of Canada were continually alarmed, fearing that the French, who constituted fully ninety-five per cent of the population of Canada, were about to bring on a revolution to recover Canada for the French.

Milnes was suspicious of Graham and did not want to appear ridiculous to the British Ministers. He had seen Prescott make himself ridiculous, and he must have realized that McLane had been sacrificed. He wrote the following to King, Secretary in the Duke of Portland's office:

DEAR KING:

That you may not be uneasy in case you should have any awkward Reports from Montreal, I shall not let the post go without hinting to you such particulars as I think you would wish to know previous to my Dispatches on this Subject which I shall not have time to prepare for this post having but just received the Depositions taken by the Magistrate at Montreal.

The fact is briefly this, that Graham's information, mentioned in a late dispatch, appears now to have had some foundation that a parcel of Americans had formed a Society in Montreal and were proceeding upon the principles of Jacobinism and Illuminism; the society had increased from Five to Sixty one, Rogers who is mentioned by Graham being at their head, and being supposed to be the only one who is acquainted with the real object of the Society, Six of the Associates are taken up and are confined until I have laid the Depositions before the Council and we shall have determined what further measures are to be pursued in regard to detaining them in Prison upon suspicion of treasonable practices or not, which power invested by an act of the Legislature in the Governor and Council, this has given some serious alarm at Montreal, but you will be glad to hear that there is reason to think from the information which has yet reached us, that no Canadian is implicated in these Societies.

I am in great haste

Most truly Yours

ROBT. S. MILNES

QUEBEC *Sept.* 16, 1801.

Rogers is not yet taken.

Milnes went to Montreal and requested the Attorney-General to make him a report so that, if the scare proved unfounded, others would at least have to share the responsibility of reporting it to London. The letter and reports follow:

QUEBEC, 28th October, 1801

MY LORD:

I had the honor, in a despatch dated 1st August, to lay before his Grace, the Duke of Portland, some information, which was communicated to me at the time by Mr. Graham, now living in the State of Vermont and formerly, as he says, employed by Government relative to a conspiracy, which he asserted was forming by certain individuals in that State for the purpose of creating disaffection and disturbances in this Province. From circumstances, that have since occurred I can now have no doubt that there was some foundation for his assertions, though the information brought forward by him at that time was of a nature so vague and unconnected as scarcely to deserve notice, to that dispatch, I have the honor to refer your Lordship for the particulars of what passed in the interview with Mr. Graham and of the communication made by him, and I shall now proceed to lay before your Lordship, the circumstances which have since occurred and the measures which have been taken to render the schemes of these designing men abortive.

Early in September last, it was discovered that a secret Society was formed at Montreal by a few Americans at the head of which was Rogers, the same person that had been mentioned by Mr. Graham and that were proceeding upon principles of Jacobinism and Illuminism. The Society having encreased from five persons to near sixty. The Magistrate, however, thought it advisable to connive for some time at the proceedings of this Society in hopes thereby to lull its members into security, with a view to obtain such decided proofs of their treasonable practices as should enable Government to bring them to trial and convict the ring-leaders.

But the alarm gained ground so fast in the City of Montreal from the exaggerated reports that prevailed respecting the Secret Society that the Magistrates were apprehensive of the consequences; as it was doubtful, in case of fire or any other emergency, whether any one (from fear of their personal safety) would venture to give any assistance, they therefore determined, with the advice of the Attorney General (who was then at Montreal for the Assizes) to apprehend the leaders immediately and five of the members were taken, Rogers unfortunately having escaped. The depositions taken by the Magistrates having been sent to me, I laid them before the Executive Council and it was determined to detain the five men above mentioned in confinement with two more that since [have] been taken up under the Provincial Act. For better preservation of his Majesty's Government, for particulars respecting the discoveries that have been made and the intentions of the Secret Society, I shall refer your Lordship to the reports of the Attorney General and to the depositions which he mentions in these reports. It appears from the depositions that a plan had been formed by persons residing without the Province for the subversion of His Majesty's Government in the Canadas, to begin by plundering and pillaging the City and District of Montreal, but it is not found that a single Canadian is implicated



by name in the discoveries that have been made. I thought it right to go myself to Montreal, not only with a view to restore the confidence of the inhabitants by proving to them that they would have every support from Government, but in order to judge how far it would be prudent or feasible to call out a part of the militia on this occasion. [Here follows a discussion of the Canadian Militia, mostly French and their loyalty to the British Government and Milnes personal review of them.]

For the further security of the City of Montreal, police associations are forming composed of the most respectable inhabitants and six hundred stand of arms have, at my request, been deposited there, by General Hunter for the use of the militia. I have thought it right to give notice to Mr. Thornton [British Minister to the United States] of the plans that are reported to be carrying on in the State of Vermont. I have also employed a confidential person in that State to gather further information and to observe the motions of Ira Allen and his associates, and through the Canadian Bishop and the Coadjutor, I have established a correspondence with the Curés in the District of Montreal, that information may be immediately given upon the appearance of any stranger or suspected person in the parishes throughout that part of the Province.

It does not appear that the American government has any knowledge of the plans imputed to Ira Allen. It may therefore be presumed that he is supported and employed by the Emissaries of France, which is the only circumstance that might possibly influence some of the lower order of Canadians. I believe, however, I may assure your Lordship that every precaution has been taken which the nature of this discovery requires, particularly at a time when the military force in this Province is so reduced as at present, that any attack from without would be formidable at a season when no reinforcement could reach the colony.

I have the honor to be, my Lord,

Your Lordship's most obedient and most humble servant,

ROBT. S. MILNES.<sup>1</sup>

The Right Honb'le, Lord Holbart, etc. etc.

Graham was in Montreal and Quebec all of June and part of July. It was in July that the Attorney-General states the society was formed. The following is the Attorney-General's report:

*Second Report of Atty. Gen. Sewell re The Civil Society of Montreal*

QUEBEC, 23rd October, 1801

Province of }  
Lower Canada }

To his Excellency;

*Sir Robert Shore Milnes, Baronet, Lieutenant-Governor of the Province of Lower Canada, etc., etc.*

In obedience to the commands of your Excellency, I have the honor of laying before you a report of the facts, which have come

<sup>1</sup> *Canadian Archives*, Q - 87-2, pp. 377, 382.

to my knowledge respecting the civil society of Montreal and the design of subverting his Majesty's Government in the two Canadas, since the date of the statement upon the same subjects, which I submitted to the committee of his Majesty's executive Council, on the twentieth day of September, last.

At that time the particular views of the civil society of Montreal, were not fully ascertained, tho' the facts then known afforded the strongest grounds to believe that the object of their institution was of a treasonable nature, but what was then suspected, is now proved to be true and it can no longer be doubted, that a traiterous design has been formed for subverting His Majesty's Government in the two Canadas, in which the Civil Society of Montreal was destined to act a conspicuous part.

General Ira Allen of the State of Vermont, a principal in McLane's conspiracy, is at the head of the present scheme for the subjection of Canada. He has formed secret societies in Vermont, bound the members to each other by an oath of secrecy, under the penalty of death to any of them who should disclose their intentions.

These Societies were formed during the last winter and among the first objects, the members meditated the plunder of Montreal; and the better to effect it, it was determined to form societies similar to their own in Montreal from Americans, for which purpose Rogers was sent in and founded the Civil Society; and others which were to have been formed upon the same principle, were to have been in Union with the Mother Societies in Vermont and to have acted in Council by previous arrangement.

The plea was to surprise the City, to which end the Societies of Montreal were to have been joined, by a certain number of the members from Vermont (not publickly, but privately) to the amount of about 1000 men, for whose use, as well as for others who might follow or join them, arms and ammunition have been provided and are now secreted in Vermont. The powder magazine of Montreal was to have been blown up with two views, to deprive the troops in the garrison of the means of defence and by the confusion, which must necessarily ensue, to facilitate the accomplishment of their plan.

None of the witnesses have gone so far as to state that it was the avowed intention of the leaders to massacre the inhabitants, but from what is known, that intention must necessarily be inferred. A society of armed men, in the plunder and pillage of a rich and populous city from motives of self preservation and to ensure the success of their enterprise, would be too certainly led to destroy not only all who resisted, but all those from whom a dangerous resistance might be expected. Attempts have been recently made by Americans to collect mosqueto bar-lead, powder and poignards even in Montreal.

The possession of Montreal, it was expected, would immediately induce numbers of the Vermontese and some Canadians to join the Branditti, who should effect the plunder of the City, in sufficient

numbers to ensure the subjection of the Country, and for their further operations field pieces and mortar have also been provided, which are now also secreted in Vermont with the spoil, was supposed at all events practicable. On these accounts the execution of the plan was to take place in winter when the communication between Vermont and Canada is certain and expeditious, on the ice, and this reason was also chosen, because, the navigation being then closed, it would be impossible for us to receive any assistance from England or elsewhere, before the month of May.

Allan's principal assistants are a Major Strong of Vermont, his nephew, Peter Allan and Rogers; and from his own declarations, five hundred men resident in Vermont were already engaged for the enterprise in August last. He considered one thousand men as sufficient to complete the Coup de Main, which was planned against Montreal, and he appears to have been very sanguine in his belief of being able to effect the entire conquest of the Province, if he could plunder the City of Montreal and retain the possession of it for a time.

It does not appear that the discovery of the Civil Society of Montreal has defeated the design, which has been formed for subverting the King's Government, on the contrary, it is yet evidently continued. It has even assumed an appearance more alarming (as it relates to this Province) than before, for in the first instance there was great reason to believe that an attempt had been made to corrupt the Canadians and that no reliance was placed upon them by the persons concerned in the conspiracy, but it now appears that such attempts have been recently made by French Emissaries with offers of money and direct assurances that the plan would be carried on under the auspices of the Government of France and would in its progress be materially assisted from thence.

In a recent instance a stranger, apparently a gentleman, but unquestionably a French Emissary, addressed himself to Mr. Bone, a Canadian, who was formerly convicted of a conspiracy to extort money, and upon that conviction expelled from the house of Assembly; and conceiving him on that account, to be disaffected, he informed him that the object was to annihilate the King's Government, that the Province was filled with Americans dispersed throughout, who would at a certain period assemble together. That arms for the expedition were secreted on the River Chambly and that many of the Indians and some Canadians had joined; He told him also that France could not pretend in the present state of her marine to cope with England, that all ideas of giving assistance by the River St. Lawrence had been abandoned, but that it was intended to land some French Troops on the Coast of America. This was a part of the scheme originally projected by McLane and it was then proposed that they should pass in small parties unarmed to the Frontiers of the Province, where arms were provided; and this probably is the intention on the present occasion, but the emissary on this head was not explicit.



... Ira Allan and Peter Allan have also lately visited the Province in secret and have returned to Vermont without being discovered. The former still acts as the principal in the conspiracy within the State of Vermont and has even given enlisting orders authorising the persons to whom they are addressed to engage as many men as they can depend upon for this enterprise.

The establishment of societies similar to the Civil Society of Montreal at Cornwall in Upper Canada and at Carillon, on the Grand River, is confirmed, but of the societies of Quebec, Three Rivers and York, in Upper Canada, nothing further has transpired.

All which, nevertheless, is most respectfully submitted, by your Excellency's most obedient and most humble servant.

J. SEWELL, *Attorney General, R.S.M.*

QUEBEC 23rd October, 1801.

Endorsed:

Second report of the Attorney General on the Montreal Civil Society, etc. B in Lieut. Gov'r Milne's No. 7, to Lord Hobart.<sup>1</sup>

(*Extracts of Depositions Relative to a Secret Society at Montreal*)

Deposition of Nicholas Palmer of Perc, in the State of New York, Physician:

That a plan at the head of which are Ira Allen and a Major Strong of Vermont, has actually been formed, for the taking possession by an armed force, of the Province of Lower Canada and wrestling it from the Government of Great Britain and in particular for plundering the City of Montreal. That such plan commenced about last winter, and it was supposed by Ira Allen, would be ripe for execution this autumn. That there are arms, field pieces and ammunition provided and secreted in Vermont, sufficient, (in the opinion of the persons concerned) for the enterprise. That Allan depended on the assistance and co-operation of four hundred men within the Province, of whom he considered himself sure, and thought it probable there would be five hundred. That he was sure of five hundred at least in Vermont, and considered one thousand men in all, as sufficient for the enterprise. That those without and those within the Province were to act in concert according to circumstances and previous arrangement. That one material part of the plan was to destroy the magazine at Montreal, by some means or other, introducing a wire into it and thereby conveying the electric fluid, which, if effected would destroy the means of defence of the garrison, distract the inhabitants and in the confusion, render the plunder of the City easy and certain. That the persons concerned in the plan are bound to each other by an oath of secrecy, under the penalty of certain death, to any who shall discover their purposes. That persons have been sent in to obtain information necessary for the accomplishment of the plan and to enlist men for the enterprise. That Rogers, who was at the head of the White Corps, and one Peter Allan, a nephew of the said Ira Allen, were agents sent in upon busi-

<sup>1</sup> *Canadian Archives*, Q-87-2, pp. 392-99.

ness. That the collecting of the people into a club or society for the discovery of the hidden treasure was a part of the plan, in order to sound the feelings of the inhabitants and to discover whether it was likely that they could go on and collect a number of people at night for such a pretended purpose without exciting suspicion and if so render the collection of people for the real object. That a further object in the White Cap Club was to raise recruits for the plan of conquest and plunder. That some of the White Cap Club people, he believes and thinks were in the secret of the real design and others not, but cannot say, which of the number were in the secret, excepting Rogers, and Peter Allen. That the said Peter Allen, above twelve days ago, made his escape from Town and mentioned to the Deponent at Laprairie, that he had a knowledge of the whole plan and finding some people were taken up, he thought it best to *scud* and leave the Province. That said Peter Allen told him he had a commission and showed him a paper, which he said was his enlisting orders, and offered to procure a commission for deponent, if he wished it, but that he declined engaging in the plan, altho' it was explained to him by the said Peter Allen (to induce him to join) who had crossed through Chateauguay and gone to Cornwall, in Upper Canada, and from thence to the Grand River and then by Montreal; at each of which places there were persons concerned, to whom he carried passes from Ira Allen, but cannot recollect the names of those persons, tho' mentioned to him. That last spring the deponent actually saw an enlisting Order from Ira Allen, to one Abraham Webb of Charlotte in Vermont, authorizing him to engage as many as he could depend upon for the enterprize; but that he thinks that Webb was withdrawn. That the deponent has been informed and believes that Ira Allen was in this Province about six weeks ago and had been in Montreal. That deponent understood that it was the idea of Allen, that, if he could destroy the magazines and once get a footing in the Province, he would soon get further support to enable him to keep possession of it, and that, at all events, if they should not be able to make a permanent footing, they would be certain of plenty of plunder. . . .

R. S. M.<sup>1</sup>

Endorsed: C. Depositions: In Lt. Gov'r. Milne's No. 7. to Lord Hobert.

The examination of the seven prisoners, all that were ever arrested, disclosed nothing and they were released.

On November 25, Milnes wrote Lord Hobert:

It affords me much Satisfaction to have the Honor of acquainting your Lordship, that from all the information I have lately received, it appears that the Schemes, mentioned in my Dispatch No. 7, for the Disturbance of His Majesty's Government in this Province are done away; and from the accounts which have reached me from the

<sup>1</sup> *Canadian Archives*, Q-87-2, pp. 400, 417.

State of Vermont and different Parts of Lower Canada I am in hoped that no further Schemes of this nature will at this time be formed.

On December 3, before this last letter reached him, Lord Hobart wrote Milnes commending him 'for his prompt measures and vigilance in subduing the commotion and disturbance caused by *Ira Allen* and his associates.'

This was the last attempt of Graham in Canada to discredit *Ira Allen*. The falseness of it all was proved to the British upon investigation, but it required time to efface it from the minds of the Ministers and the judges of the Court of Appeals. The affidavit of Jagnon that *Allen* and *Thorn* were in *Holgate's* tavern in 1796 and 1797 should have exposed the falseness of his statement, to the Duke of Portland and Under-Secretary King, for they knew where *Allen* was during those two years. The Canadian officials knew nothing of *Allen*, as they had come from England since he had had any business in Canada. With this sort of information before the court, of which he and his friends were ignorant, it is not strange that his attorneys could not obtain a decision. Little did he dream that, while he was enjoying his short visit with his family, this vile plot was hatching against him in the records of England.

On July 10, *Rufus King* wrote him in answer to his letter of April 14, enclosing one from the Department of State. It closed with 'a regard for your friends, as well as for your own reputation seems to require you to exert yourself to obtain and transmit in a regular manner the farther proofs required by the Court of Appeals.' *Allen* had been home only one month and had sent evidence from Boston in June.

His interest in the university never flagged, though his personal troubles were sufficient to absorb all his attention. He wrote from Colchester, July 15:

SIR:

I yesterday spent a few Minutes in viewing the foundation laid for the University, which makes a Good appearance.

On further Consideration of Enlarging the Building have to Propose that it be Extended so as to add four Rooms on the Ground floor at each end which will add thirty two Rooms to the Building when compleated & not alter the Plan or appearance except the Enlargement which will add Luster, Beauty, Convenience, &c. To Effect this, I will Compleat the whole of my donation for Building viz



one thousand Pounds in English Goods this fall if not Before. In Case the Building be not Compleated this fall, it may stand over the winter without Injury, Provided the Legislature of Vermont, Corporation of the University and myself can agree on some things I shall Propose to them in October next I will Consert measures to Procure from Europe a good apparatus and Libera in the Course of the Next Year in which time the outside of s'd Building may be Compleated & a sufficeant number of Rooms for the accomodation of all Students that may then Present themselves.

You are Invited to show this to the President &c. and Proceed on the Plan aforesaid if thought Proper, I will Call to further Confer on these Matters in a few days —

I am &c

IRA ALLEN

MR. DAVID RUSSEL

Allen, in August, received a duplicate of the commission issued by the Court of Appeals to enable him to take evidence in the United States. It was delivered to him in Colchester by Francis Childs, who was sent to Vermont by Bird, Savage and Bird. Childs endeavored to dictate to Allen not only about the proper affidavit he should make and sign, but also about the affidavits to be obtained from others. He claimed that the bankers would lose a large sum if Allen did not sign the affidavit they desired. Allen would only sign what he knew to be facts. The commission was closed and the papers made in triplicate; two were to be forwarded by Childs to London at once to prevent condemnation. The testimony was given before Judge Law, of Burlington, in whose hands the third copy was left. Some time after the commission was closed, some new evidence was discovered and Allen requested that the commission be opened to take it. It was then that he discovered that Childs 'had found some means' to obtain the third copy from Judge Law and, on a demand from Allen that he return the copy to Law, he refused, claiming they belonged to Bird, Savage and Bird.

The papers were drawn in London by Allen's attorneys at his request and belonged to him. He had a chance to prove, by one who had seen Chittenden's original request to him to buy arms, that the copy he had furnished the court was a true copy. Childs prevented this, which caused Allen to believe that he had been bribed by the captors, or that Bird, Savage and Bird, for some reason, were not anxious to prove his case. He did not know that the old Quaker Bowne could cause

Childs to do his bidding. Bird, Savage and Bird claimed that, including their liability on the bail bond given by them of over six thousand pounds sterling Allen now owed them twelve thousand pounds, or about sixty thousand dollars. In their behalf Childs brought suit against him by attachment for this sum. He was arrested and confined in the Burlington jail. Before he could be released, he was obliged to furnish a bond for one hundred thousand dollars. This was difficult after his long absence, but he obtained it through Jonathan Spafford, who signed his bond and charged Allen two thousand dollars for doing it. Before Childs left Burlington, Allen brought suit against him for five hundred thousand dollars 'for the restoration of his papers.' Childs at once agreed to dismiss his suit and restore the papers if he would dismiss his suit against him, which was done. Allen then proceeded to procure other evidence, but these difficulties had consumed so much time that he was not able to obtain all the affidavits he desired, as the time of the commission for taking evidence soon expired.

While Childs was in Burlington, Allen heard that a man came to Burlington after evidence that he was connected with McLane's so-called conspiracy in 1797. He connected this with the captors, but it was undoubtedly some one sent from Canada to check up Graham's statements. No evidence was obtained. Childs, through his connection with Bownes in New York, became known to Hathaway. Allen could get no accounting from Bird, Savage and Bird.

Allen received a letter, dated September 14, from the State Department, giving him extracts from a letter to the department by Rufus King and two letters from Bird, Savage and Bird, that Allen should not press for a decision of the court until the evidence taken under the commission granted was laid before the court. 'As Bird, Savage and Bird became your surety on Mr. King's introduction, they are naturally very solicitous with him for his assistance to exonerate them.'<sup>1</sup>

This letter alarmed Allen, for it showed that Childs had not forwarded the two copies of the affidavits, as he claimed to have done. Allen at once obtained all the affidavits over again, notwithstanding the commission had expired. This was

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 918, Library of Congress and University of Vermont.

a tremendous task, as some of the witnesses lived in New York and others in Boston. It was December before he completed it and sent copies to his lawyers in London. Some of the best men in Vermont, who knew all the circumstances connected with his going to Europe, testified in his behalf and verified his statements. He proved by them that there were twenty-seven thousand militiamen in Vermont who had to purchase their own arms.

Notwithstanding his own distresses, almost overwhelming, he received at this time a letter from Mrs. Finch, widow of his nephew, stating that unless their rent was paid for the house they had taken in Philadelphia, they would be ejected; 'the most we have been able to do has been barely to support ourselves. . . . I remain, Sir, as also my Mother with much respect and gratitude your dutiful and obedient, Elizabeth Finch.' <sup>1</sup> Allen responded and guaranteed the rent for the future. This carried its own reward, for when he was alone and in exile these good friends assisted him.

John Marston, in Boston, who had held his note and deeds as trustee, and had given them up to Hull, claiming the time for his holding them had expired, wrote him, on October 13, enclosing a letter from Samuel Peters. Marston's letter closed with

I will thank you to send me the cash you borrowed the day you left Boston, by a *safe conveyance*, and as soon as you *can possibly* make it convenient. I sincerely hope that you and Judge Hathaway have come to an amicable settlement, it is decidedly in my opinion for *both* your *Interests*.<sup>2</sup>

Allen had written to Isaac Scott from Boston on June 13. Peters's letter was dated August 7. He informed him that

all the evidence you have sent here amounts to nothing, because you have not sent proofs specified by the Court. . . . Slade thinks a condemnation of your arms . . . certain, so say Birds & Savage. . . . Mr. King seems tender towards the interest of Birds & Savage & I have already informed you that Mr. R. King had not found it convenient to exert himself by obeying the *New* instructions of the *New* Secretary of your *New* Executive in the United States. . . . Advices and reports come here, that you have not yet been in Vermont & that your embarrassments are such that you cannot make your bail good or make any remittances to Mr. Scott or Mr. Slade &c &c. As your

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 917.

<sup>2</sup> Wilbur Photostats, No. 921.



letters are silent about your family, Vermont & money matters, the reports have gained strength. . . . You say, the Messrs Graham are in Rutland, Vermont. It may be well for them — & it would have been better for Vermont if they had never left that country. We have heard John had put away his Lorimer wife & had taken her home again — she will remember your words & mine so long as she lives. Her father was sued for a false recommendation of John G. [Graham], by means of which he got credit here for nearly £12,000.

Peters, in conclusion, wrote that Rufus King paid no attention to the orders of Secretary Madison. 'An English Ambassador, for not obeying the orders of a Secretary of State, would be impeached by the Commons.'<sup>1</sup>

On October 16, Allen wrote to Paul Brigham requesting his assistance in procuring freedom from arrest.<sup>2</sup> The Legislature convened on October 8, at Newbury. Tichenor was elected Governor and, in his speech of acceptance, recommended that the State buy arms for the militia and assess a special tax to provide the funds. If he had done this in 1799, Allen would have paid all his debts and once more been Vermont's first citizen. Jonathan Robinson, a member from Bennington, was elected Chief Justice of the Supreme Court.

A petition was presented, signed by Ira Allen, stating his mission to Europe and telling of his capture.

That during his long detention . . . illegal and unreasonable judgments of Courts have been rendered against him, as neither his family or counsel had the means of defence. [It then recites that he wishes to be protected from any civil suits for the term of two years so that he may recover his property.] Your petitioner flatters himself that he is the more entitled to your attention on his behalf, as his misfortunes in Europe were owing to the part he early took for the liberties of this and the United States, the equipment of the Militia with arms and the obtaining said navigable canal.<sup>3</sup>

Benjamin Wait, of Waitsville, presented a bill to free the body of Ira Allen in civil suits from arrest for one year. By a vote of seventy-seven to thirty-four it was referred to a committee of five — three Federalists, one of whom was Daniel Chipman, and two Republicans. Tichenor had influence enough to put three of his party on the committee. They reported the bill ought not to pass, but be dismissed. A motion was made

<sup>1</sup> Vermont Historical Society.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 924.

<sup>3</sup> *Ibid.*, Nos. 923, 928.

and carried that Mr. Allen be heard. The address he made proved he was 'Ira Allen still,' for it was resolved at its conclusion that the report of the committee be not accepted. It was then referred to a committee of three for amendment. The committee was made up of Buel, S. T. Harrington, and D. Chipman. Buel reported a bill, and on the question, 'Shall the bill pass?' it was enacted by a vote of seventy-eight to sixty-three. The sixty-three were composed of forty-three Federalists and twenty Republicans. Daniel Chipman, to his shame, voted No. Jonathan Robinson did not vote. The bill was concurred in by the Council and became a law. They granted him just half the time that he had requested. He was free for one year to live in peace with his family and attend to his extensive business.

Allen also petitioned the Legislature to use their influence to acquire the five thousand muskets he was obliged to leave in France. This was referred to a committee. The purchase of his arms was not the only motive he had in presenting this petition, as will be seen by the report of the committee, which undoubtedly was worded to cover the point he had in mind; that was a statement of the facts by the legislative body of Vermont. This, presented to the Court of Appeals, must have had weight, for no committee would have made this report if Allen had been in any way connected with a revolution in Canada.

This was the report:

NEWBURY, Nov. 5, 1801

*To the Honorable General Assembly now sitting:*

Your committee, to whom was referred the communication of Ira Allen, Esq. made to this legislature, on the 3rd inst. REPORT — That it will not in their opinion be for the benefit of this state, to empower the said Ira Allen to make any purchase of arms for the use of this state; but aid the said Ira Allen in bringing into this state such of the arms and field pieces as are stated by the said Ira to be already purchased, and remain in France: for which purpose we beg leave to report the following resolution.

Whereas satisfactory evidence has been exhibited to this house that his excellency Thomas Chittenden, Esq. late governor of this state, as well as several military officers thereof, did advise Major General Ira Allen, in the year 1795, to purchase arms, and other implements of war in Europe, for the use of the militia of this state, which were then and still are greatly deficient in arms, etc. which said Allen was to purchase at his own risk and expense, and sell to the

militia for his own benefit; and it hath also been made to appear that the said Allen did purchase twenty thousand stand of arms, with bayonets, and twenty-four brass field pieces of the French government; and that the greater part of said arms and field pieces were shipped at Ostend, for New York, and captured by the British on the passage: And it is stated by the said Ira Allen, that five thousand of the arms by him purchased as aforesaid, with some of the field pieces, remain in France, and may be had for the use of the militia.

Therefore, RESOLVED, the governor and council concurring herein, That the governor of this state be, and he is hereby requested to instruct the senators and representatives of this state in Congress, to use their best endeavors to cause the President of the United States to write to such of the ministers in Europe, as he shall judge expedient, to interpose their good offices to prevent the capture or detention of the said arms and field pieces, that now remain in Europe, in their passage from Europe to some port in the United States.

The said report was dismissed.

Hathaway, by his deed from Hull, supplemented by tax titles, had sold farms, and the buyers had driven off the old tenants who had purchased of Allen, but, not having paid him in full, had not received a deed. All of these people demanded the return of their money,<sup>1</sup> and full pay for all improvements they had made and all their expenses in moving, etc. These were some of the most vexatious matters that Allen had to manage.

Hitchcock and Allis had brought suit for an accounting of the Onion River Company and filed a bill of exceptions to Allen's answer. This came up in Rutland in October while he was at Newbury. His attorney, Chauncey Langdon, wrote him from Rutland, October 27, that he must have his reply in by November 1, 'or you may greatly suffer.'<sup>2</sup>

The following note was received when he reached home:

NEW HAVEN [VERMONT,] Oct. 30th 1801

SIR:

Thomas Williams, Jr., of Roxbury, Massachusetts (Hull's home), was at my dwelling house in Townsend and in conversation with s'd Williams respecting your affairs and Hathaway's and Hulls; Williams observed, he asked them what they would do with General Allen in case he should come to America. They observed they would secure him and their lands too. Sir, for confirmation you may enquire of said Williams who will inform you more than I can. Your friend &c

JOSEPH TYLER <sup>3</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 925.

<sup>2</sup> *Ibid.*, No. 926.

<sup>3</sup> *Ibid.*, No. 929.



Some of his vexations are pictured in the following:

*To Ira Allen Esquire, Colchester in said (Chittenden) County.*

SIR: You will hereby take notice that the dwelling house wherein you now live . . . together with the land, barn, outhouses and garden . . . now belong to us the subscribers. And likewise all that tract of land, tenements, houses, mills, forges, the north half of the mill dam with all the appurtenances and privileges that were heretofore Appraised of on Ex'on against you in favor of Moses & Lucinda Catlin . . . are now all owned by us . . . as you may more fully discover by the Records in the Town Clerk's office. And to the same premises . . . we are by law entitled to enter, occupy, and enjoy free of molestation. Wherefore you are hereby required to quit the possession of said premises . . . immediately and suffer us to enter in the peaceful enjoyment & occupancy . . . and on your . . . refusal so to do we shall proceed to take such measures to force you to compliance, as the law and our best discretion shall appear to justify. From your most loving friends,

BENJAMIN BOARDMAN

THADDEUS TUTTLE

JN<sup>o</sup> FAY and EL<sup>n</sup> KEYES

*Attys for Jas. Watson* <sup>1</sup>

*December 4, 1801*

This was an attempt to drive Allen and his family from their home in December. Why they signed themselves as 'your most loving friends' is difficult to understand. It was a dastardly attempt, and it is surprising that Fay and Keyes would have had anything to do with it.

Allen had written John Caldwell, of Canada, regarding a settlement of their differences as to the ownership of Alburg. Caldwell wrote him, December 25, that the land was worth four dollars per acre and that he would take from '70 to 80,000 Dollars' for his titles, which he considered good.<sup>2</sup>

Allen spent the holidays at home with his children. Mrs. Allen had gone to visit her friends along the Connecticut River.

The close of the year 1801 found Allen entangled with lawsuits and beset with so many difficulties that he barely succeeded in meeting even his daily necessary expenses.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 933.

<sup>2</sup> Wilbur Photostats, No. 934, *ibid.*

## CHAPTER XXX

### 'HE RETURNED TO HIS PEOPLE, BUT HIS PEOPLE RECEIVED HIM NOT'

1802

A TREATY of peace having been ratified between England and France, the British Court of Appeals, on January 13, issued a requisition addressed to the Magistrates of Paris, for the examination of witnesses in Ira Allen's cause. Robert Slade, Allen's proctor, and his partner, Mr. Kierman, went to Paris by the direction of the court to take testimony. M. Carnot, who was President of the Directory in 1796, and M. Petiet, who was then Minister of War, were willing to give their testimony that the sale of the arms had been made to Ira Allen as per the contract signed, but, as it was official business, the Consuls of France would first have to give their consent, 'which from national etiquette they were unable to obtain.' <sup>1</sup> As Slade could not obtain this consent at once, he returned to England and left the matter with M. Chevrier, a French lawyer of high reputation. He advised with Carnot, who, he made affidavit, answered him 'that, as the matter respected an authority with a view to a judicial deposition, the same was of the exclusive cognizance of the Minister of Justice, to whom alone he must address himself.' The Minister had been ill some time and was unable to consider the matter. The outcome of this effort will be narrated in the next chapter.

Levi Allen's will was filed by Silas Hathaway as executor at Williston, on January 14. It included this bequest, 'I give to my brother Ira Allen five shillings and no more because he hath already enough.' This was Levi's last joke, for he was insolvent. Of all of the six Allen boys, Levi was the most humorous, and took life less seriously than any of the others.

Ira Allen began the year by attempting to regain the lands that Hathaway and Hull and Robert Bowne, of New York, had stolen from him. Most of the best lawyers in the State had been retained by these men before his return to Vermont. His brother-in-law, Pascal P. Enos, was practicing law in

<sup>1</sup> Allen's *Concise Summary, Olive Branch* (Philadelphia, 1807), p. 4.

Windsor, and to him he applied in small matters. The Enos family believed that they could have managed his affairs better than he had done, although none of them ever had managed their own successfully. Allen had authorized Pascal to settle a matter in Windsor, requesting him to use a small sum that Pascal had borrowed of him together with thirty dollars sent by Heman. Pascal wrote, on January 19, that he had tried to make a settlement with Jones and Curtis, but failed. 'I am very much in want of a little cash.' In this letter he criticizes Allen severely for hiring 'a certain old man . . . this ignorant and inveterate enemy of yours.'<sup>1</sup>

Hathaway and Graham had, in 1799, circulated reports in Vermont that Allen was dead and, when that rumor proved false, they said he was in jail in Paris and would not return. This was done to enable Hathaway to buy claims against Allen for little or no money, generally for Hathaway's note, which was his undoing. One case will illustrate many; Allen sold a farm to a man who paid one hundred dollars, agreeing to pay the balance within a specified time. Allen gave him a bond for a deed; the bond was for one thousand dollars. The man later bought some cattle, giving his note, and that note was given to Allen for lumber. The note was not paid, but Hathaway bought the bond for a small sum, as the man had left that part of the country. Hathaway could sue Allen for one thousand dollars, although Allen had never received but one hundred, and had the man's note for part of this as an offset; through Hull's deed to Hathaway Allen could not give a title even where purchasers were ready to pay the balance due him which would enable him to take up his bond. Business was transacted in those days with very little money in circulation. The following extract is from a letter Allen wrote Hathaway on January 21:

Convenience has introduced the custom to make cattle payments in one day in October by which means sometimes one yoke of oxen pay a number of debts in one day and are drove home by the original owner at night after the farmers have taken a social drink for mutual friendship.

Allen then invited him and his friends to exhibit all the claims they had purchased against him

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 943, Library of Congress and University of Vermont.



that the amount may be ascertained on fair principles. Depositing the Bonds for lands & agreements for lands in a third person's hands till in some way the disputes about lands are settled. I will then procure your paper in offset for mine both at their stipulated value.<sup>1</sup>

He wrote him again four days later 'to do justice and give satisfaction to many individuals who may be effected.' Allen suggested that the entire matter, including Hull's deed to Hathaway and all claims, be put into a suit to be brought either in the United States Circuit Court or the Supreme Court of Vermont, the bonds and judgments, notes, etc., they held to be exchanged for claims Allen had against them and the parties to the original contracts.<sup>2</sup> It was a fair proposition containing safeguards protecting both parties to it.

Hathaway replied to this on January 28, from Swanton, in a letter written by his attorney, proposing the following:

All notes, Bonds, & Bills for the payment of money and Judgments which I hold of yours be paid or satisfactory security given. . . . All receipts and Bonds for the conveyance of lands . . . to be submitted to independent men to be determined within three months.

If Allen could show or procure any 'legal claim or title adverse to that which I now have to my lands from Shelburn to Highgate inclusive,' he would submit it to the Supreme Court. Allen was to give 'good and sufficient security' for the performance on his part and security that he would obey the decision when given was made obligatory before Hathaway would move in the matter.<sup>3</sup>

On February 2, Allen replied to John Caldwell's letter of December, stating frankly the exact conditions as to titles in Alburg. The farmers were taking advantage of the dispute and paying no rent to either Allen or Caldwell. Allen suggested that they leave this decision to the United States Circuit Court. His letter is a lucid and full statement of the law in the case.<sup>4</sup>

At this time the Pennimans were anxious to thrust upon his support Ethan Allen's two sons by his second wife. Mrs. Allen had complained in her letters, and since his return home, that

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 944, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 945.

<sup>3</sup> Wilbur Photostats, Nos. 942, 947, *ibid.*

<sup>4</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 948, Library of Congress and University of Vermont.

she had made no visit to her friends on the west side of the mountains, so Allen had sent her there in December. He went over in January to attend to his business and bring her back in his sleigh. Penniman lived in Westminster on the Connecticut River and brought the boys to Burlington early in February. His letter is dated:

BURLINGTON, February 16, 1802

When you last was at my house in Westminster, you wished me by some means to get Hannabell and Ethan, your nephews, to Burlington. I likewise received your letter dated 27th January to the same effect, desiring me to bring them with me when I came over, and that Hannabell could enter College in the first class. I have, according to your desire, brought them to your house and have discovered nothing in you or family, but what appears kind and friendly toward them. But sir, it was Mrs. Penniman's particular desire to know on what conditions I left them. I conceive for myself that you take the charge on yourself and be at the expense of their board Clothing and education in future and exonerate me as I have been at great expense for ten years past. You will be so good as to write me plain and explicit on the subject that I can be able to show Mrs. Penniman how I have disposed of her *orphan children* and ease the feelings of an anxious mother.<sup>1</sup>

On February 15, William Atkins, of London, who had engraved Allen's map of Vermont, wrote that he had delivered his maps to Colonel Tatham, but the plate was still in his hands.<sup>2</sup>

March 2, Allen sent Roger Enos, Jr., to Jabez G. Fitch, of Vergennes, requesting Fitch to pay him two hundred dollars. He wrote that he was in want of the balance due him, adding that he was just starting out for Rutland by Williston and Hinesburgh and that Mr. Woodbridge had returned from Washington.<sup>3</sup> He spent much of his time this year in the saddle, as he had done in the days of 1776.

Major Sheldon wrote Allen for a meeting with him and Hathaway. Allen replied to Hathaway, April 7, that he would meet him with pleasure, but was obliged to go at once to Rutland and would see him alone or with Sheldon, bringing no one with him, as soon as he returned. These frequent trips to Rutland were occasioned by preparations to sue Hathaway, Bowne, Thorn, and some ten others for taking his lands under

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 949.

<sup>2</sup> Wilbur Photostats, No. 952, *ibid.*

<sup>3</sup> *Ibid.*, No. 953.

a judgment against Thorn. His attorney was S. Miller, not a very good lawyer, and Allen had to do most of the work. Miller had been to see Judge Chipman on Allen's advice and wrote Allen regarding it, April 12.<sup>1</sup>

Allen had written to Pierpont Edwards, a distinguished lawyer of Fairfield, Connecticut, requesting him to be his leading counsel in his suits against Hathaway. He mentioned that he had heard that the President was considering appointing Edwards Minister to England in place of Rufus King. In Edwards's answer, dated April 12, he stated that 'no consideration, but a belief, that my services and mine only could protect the rights of our Country at London could induce me to accept an embassy to that court.' He agreed to act as Allen's counsel if he would furnish him with all the papers and give him timely notice of the sitting of the court.<sup>2</sup>

Allen was in Windsor when he received Edwards's letter and replied from there on May 8:

The pressure and consequence of my business has induced me to write again. I entered two suits in equity in the Supreme Court . . . at Burlington. One against Joshua Staunton for the township of Lutterlough, another against Silas Hathaway . . . for the township of Highgate. Court is adjourned to . . . June at which time I have commenced a suit against s'd Hathaway & Genl. Hull for the greater part of five townships also a suit against Hathaway &c for the township of Swanton . . . I shall have 7 or 8 suits appealed from freehold courts to the Supreme Court. . . . I have to prepare a writ of error to set aside a judgement rendered against me by Judge Ellsworth in the [United States] Circuit Court for about 46,000 dollars [Catlin] . . . The bearer Mr. Enos is my brother-in-law and attorney, to whom I refer you for further information. I shall want your assistance in the Supreme Court at Washington in this [Catlin] cause . . . one measure taken to gain my property has been to embarrass me in every possible way so as to prevent me from having money to discharge every demand . . . to pay land taxes, defray expenses of courts &c If I could borrow 20,000 dollars I would put my enemies at defiance on that subject. I will give honorable compensation for the use thereof with satisfactory security. . . . If any gentlemen in your vicinity have money . . . to loan and will transmit the same to me I will pay all expense and comply with the terms.<sup>3</sup>

This statement would not impress a lawyer favorably; a client without money is far from desirable. Allen should have

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 913.

<sup>2</sup> Wilbur Photostats, No. 956, *ibid.*

<sup>3</sup> *Ibid.*, No. 957.



gone to see Edwards instead of sending Enos, but he was so occupied in the preparation of these cases before the June term of court that he could not leave. Edwards did not take his cases.

Robert Graham, of Boston, in answer to Allen's letter of which Percival Enos was the bearer, wrote:

Give me leave to observe that no man will be better pleased than myself to have justice rendered to the parties. At the same time I remember that we also have an unsettled account . . . which had better be brought to a settlement. Messrs Hull and Hathaway are at present highly gratified at the idea that General Allen & the Grahams are at variance. I am intimate and familiar with both. Hathaway is now in town. I wish not to have him know that there is any correspondence between us. Hull is at the city of Washington, is expected home every day. I will . . . if possible meet you at Rutland the last of June.<sup>1</sup>

The trustees of the University of Vermont, by publication in the newspapers, met on June 10, at the house of David Russell, the agent of the university. Those present were Governor Tichenor, Walbridge, Marsh, Hitchcock, Reverend Burton, Russell, and President Sanders. Tichenor, Burton, and Sanders were appointed a committee to prepare by-laws. They adjourned until the next morning when W. C. Harrington attended. They elected Royall Tyler a trustee and adjourned to five P.M. Allen then came in. It was his first appearance since the meeting of the trustees on January 31, 1794. The record states:

Much conversation was had with General Allen on the subject of what is due from him; who informed the board that on account of the lands in Plainfield being embarrassed, no immediate settlement could be made for the full amount due, but a sum, proportional to other subscribers, should be soon made.

The meeting adjourned to meet in October when the Assembly was in session. Tichenor, without heart and conscience, saw this proud man humiliated when he, by having the State in 1799 advance the money to buy Allen's arms, could have enabled him to pay all of his debts including his subscription to the university.

When Dr. Penniman took Hannibal and Ethan Allen to Ira Allen, they were 'destitute of clothes.' After Penniman

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 958.

left them in Colchester, he went to Burlington and had himself appointed guardian of the boys, who consented, as he told them he had consulted and obtained the consent of their uncle to this arrangement. Allen wrote Penniman<sup>1</sup> and Mrs. Penniman,<sup>2</sup> declining to have anything to do with the boys' education under such conditions. Penniman, Allen thought, had deceived him regarding lands for which Allen had sued and obtained judgment. The parties then claimed they had a lease of the land from Penniman. Mrs. Allen, who was again going to visit friends on the Connecticut River, delivered the letters. Allen's letter to Mrs. Penniman, whom he addressed as 'Dear Sister,' stated that 'Mrs. Allen will more fully explain my reasons for writing you this letter and inform you of some other things that may be useful to you in more ways than one.'

The Supreme Court of Vermont, with Jonathan Robinson, one of Allen's most persistent enemies, as Chief Justice, met in Rutland in June. He was not qualified to hear Allen's cases, as he had many times shown his prejudice against him. In the suit of Hitchcock for the heirs of Ethan Allen against Ira Allen, administrator, the court appointed Nathaniel Chipman, Daniel Chipman, and Noah Chittenden masters to take testimony, and make their report to the court in December. This appointment was an illegal act, as the Chipmans were Hitchcock's attorneys. There was no possible chance for Allen to get justice before these masters.

About the only available attorneys in Vermont whom he could employ were Daniel Buck and Samuel Miller. Neither of them ranked among the leading attorneys. Allen went from Rutland, after attending the Supreme Court, to Middlebury, where the Court of Chancery met on June 20. At this term he began his suit against Hathaway, Robert Bowne, Stephen Thorn, and eleven others to recover his property through the suit by Bowne against Thorn.

Bowne's lawyer, Levi House, in 1801, from St. Albans, advised Bowne he would have to fight General Allen and advised against it.<sup>3</sup> On June 29, the suit to recover was commenced. The cause is fully set forth in a printed pamphlet of sixteen

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 959.

<sup>2</sup> Wilbur Photostats, No. 960, *ibid.*

<sup>3</sup> *Mitchell Papers*, in possession of B. M. Clark, Burlington, or University of Vermont.

pages<sup>1</sup> published in 1803. Allen's attorney was Samuel Miller. Bowne and associates were represented by Nathaniel Chipman, Cephas Smith, and Judge Benson, and later by other able lawyers as well. These lawyers were influential enough to have the case postponed to the January, 1803, term. Allen's freedom from suit and arrest would expire in October, 1802, and it is needless to relate that they would prevent a renewal if possible.

Allen fought them with publicity. A notice, dated July 19, and published in the newspapers, cautioned 'the Citizens of the United States against purchasing any lands owned by the Subscriber [Ira Allen] in October 1795.'<sup>2</sup>

He was proprietors' clerk of many townships during the early settlement of Vermont and therefore had all the early records and surveys. The land thieves forgot or never knew of this, but when they attempted to locate the lands they had stolen they discovered it, and during the summer made all manner of threats against him to induce him to deliver the records to them or the town clerk, but without effect. In Colchester, his home, a meeting was held, June 21, and a new survey ordered.<sup>3</sup>

A letter from Penniman gives his viewpoint. It is dated July 12. In it he denied that he had given Tuttle a lease of the land in dispute.

You again observe that the letters of guardianship must be given up and you appointed. You and I profess ourselves to be republicans, pray why this contradiction in the first principles, let the legislative be a check on the Executive and the Judiciary on them both; you are administrator which gives you great power, and why guardian . . . I am far from wishing any part of the property of the heirs might come into my hands, but wish it put into the charge of a third person, that no reflections might hereafter be cast either on the administrator or step-father, both being unpleasant situations. The widow of your brother is most certainly entitled to her dower in all the real estate left by him at his death, let the debts be what they may; and the law points out that it shall be set off in sixty days if not she has a right to apply to the Judge of Probate; the property then was clear from all incumbrances; has not fifteen years almost elapsed and it is apparently no neigher a close now than at the first moment. Why this

<sup>1</sup> New York Historical Society; also University of Vermont Photostats, Court Records, Middlebury, Vermont.

<sup>2</sup> Vermont Historical Society.

<sup>3</sup> Vermont Antiquarian Society, *Proceedings*, vol. 1-1, p. 34.



unaccountable delay? What must be the feelings of those concerned? let any candid reflecting man think for a moment. think yourself and for Mrs. Allen could she be placed in the same situation. Your brother's widow was, at his death, without property, dependent and those that ought to be friendly to her were full of detraction and malevolence; besides she had three young children to feed and school . . . and cloth from what she could spare from her own little stock.

Had your brother lived some longer, this would not have been the case with his widow and could his spirit break its iron bonds and fly from Heaven, he would have done her ample justice long before this.

You remark that you have done too much for your nephews to be treated thus, I can only say, that very little has been done for the sons and daughter of General Ethan Allen either in your private capacity or as administrator; since my connection have paid neigh a hundred dollars for their board and other expenses which were due before that period, and stand charged for considerable more. Have since made every exertion under many embarrassments and done all in my power to cloth support and school them in the best manner I could, however deficient it has been. . . . The Bond from the Estate of Mr. Brush [Mrs. Allen's father] against the Estate of Mr. Allen is five hundred pounds of Mrs. Pennimans private property of her Fathers estate and is an honest debt to her from Mr. Allen's Estate. I took the bond to save a suit from the heirs of Mr. Brush against the heirs of Genl. Allen and have kept it seven years myself notwithstanding I might more than once have disposed of it to my advantage and much to your disadvantage, and what is my reward? to get it if I can I suppose — hard — cruel.

Mr. Hathaway, soon after he purchased from General Hull, came to me and Mrs. Penniman and offered to take charge of the heirs of General Allen, to board, school and cloth them at his own expense, he has several times since offered it. [Hathaway needed the signatures of the heirs to make his title merchantable] but if they are flung off by the administrator, who has their property, who ought to befriend them, they must depend on strangers or their own industry. I have spent a great deal from my own hoard . . . and have now a number of small children to provide for of my own. I last night received a letter from Hannabell in which he says he has not recited a lesson for near four weeks for the want of proper books and he seems almost discouraged wishing to leave College and go to the law.<sup>1</sup>

Penniman apparently knew nothing of the many notes and bonds given by Ethan that Ira had paid.

Hull wrote, on July 24, in answer to Allen's letter of June 30, that he had

no objections to the mode of settlement which you and Judge Hathaway have agreed on & I do not know that I shall not be satisfied with

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 963, Library of Congress and University of Vermont.

the respectable characters you have named as referees. As however it is a question of some consequence as it is possible some of those gentlemen may have given an opinion respecting the principles of the controversy or may be connected with some of parties interested I think it would be improper for me at present absolutely to agree to them.

He wrote that he could not be in Burlington before the last of September or the first part of October, but would, if necessary, 'meet you and Judge Hathaway at Brattleboro on the 7th day of Sept.'<sup>1</sup> They were all avoiding settlement until the Legislature met, expecting that they could drive Allen from the State or put him in jail on many small judgments. August 19, in a letter to Hathaway, enclosing a copy of General Hull's letter, Allen requested that he name the day and place he would meet him.<sup>2</sup>

He realized that every effort would be made by those who had his property to prevent the Legislature extending his freedom from suits and arrest. He still believed in publicity and decided to publish at Burlington a second volume of the 'Olive Branch.' When this was known, the combination against him took measures to prevent it. One hundred and sixty pages, principally of extracts from the first volume, were printed in August, 1802. Allen was to have furnished the printer with copy for the balance, but his many lawsuits and business prevented, and it was only during the following year, that he found time to accomplish it.

He was not unmindful of Mrs. Allen's interests; through advertisements in the papers and by personal effort during this summer he made many perpetual leases of land in Irasburg; some of them still (1927) paying to his granddaughter, Sarah Allen, the annual rental.

From Wells, July 23, he wrote to Governor George Clinton, of New York, with whom he had fought many political battles, sending the letter by Stephen Thorn. The speech Lord Dorchester made to the Indians in 1794 and the fear of war and scarcity of arms were recalled. 'If you have knowledge of any of the preceding matters that would be useful in said cause [his case in London], you would oblige me by putting it in the form of a deposition.'<sup>3</sup> Clinton did this, and it became part of the record to show the scarcity of arms at that time.

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 965.

<sup>3</sup> *Ibid.*, No. 966.

<sup>2</sup> Wilbur Photostats, No. 967, *ibid.*

Allen wrote to Isaac Scott on the same day, sending him duplicates of some of the affidavits obtained and requesting that he give them to Mr. Slade. He had not heard from London and naturally thought his letters were being intercepted. He requested his London friends to send their letters to John Marston, of Boston, or Stephen Thorn, of Granville, New York.

I have for some time expected to have seen Dr. Moseley in this state with some of each of the Books I published in London. Permit me to assure you that I am tired of this cause, yet I feel myself so injured that no object in life will induce me to relinquish it until justice is done me.<sup>1</sup>

Allen had guaranteed the rent of the house in Philadelphia occupied by Mrs. Finch and her mother. John P. Ripley, of that city, wrote Allen, on August 20, that the yellow fever was raging there and that Mr. Wells, the owner of the house, was much in need of the rent. 'Mrs. Finch, her Mother and daughter are in good health. I am only sorry that so worthy a family is so much reduced in the means of living.' After wishing him success in all of his vexatious matters, he concluded, offering to assist him in any way he could point out.<sup>2</sup> Another letter from Ripley, September 7, related that the yellow fever was in the neighborhood of the Finches and 'the family are in an unpleasant and distressed situation.'<sup>3</sup>

About the time Allen's small edition of the extracts from the first volume of his 'Olive Branch' came out, he inserted in the *Vermont Journal*, August 24, an account of his arrest in Boston that the voters at the annual election held early in September could know of the methods employed against him.

On September 9 occurred a most unfortunate incident that must have prejudiced James Monroe, Minister to France when Allen purchased his arms, and Minister to England from 1803 to 1806, when Allen was endeavoring to recover damages from that country. Allen was served with a summons signed by John Marshall, Chief Justice of the United States Supreme Court, to appear at Rutland at the October session of the Circuit Court in the suit of James Monroe, Governor of Virginia, against him. The suit was on a bond of six hundred dollars

<sup>1</sup> Vermont Historical Society, *Proceedings*, 1917, p. 166.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 968, Library of Congress and University of Vermont.

<sup>3</sup> Wilbur Photostats, No. 970, *ibid.*



Allen gave the State of Virginia, on March 28, 1801, to secure the payment of three hundred dollars which Allen promised to pay on or before September 28. One thousand dollars was also claimed as damages. This debt was connected with his effort to sell a quantity of his arms to the State of Virginia when he went to Richmond expressly for that purpose. It is quite likely that he was obliged to furnish this sum to pay the expenses of Mr. Wilkinson, who was sent by Governor Monroe to New York to inspect the arms. The State, and not Monroe personally, was suing him. He never would have allowed it to go to suit if he had not had good reason for refusing payment. Judgment was rendered 'against him in said cause upon nil dicit' for six hundred dollars, but at the May, 1803, term this was set aside and he paid the original sum he had agreed to pay, three hundred dollars and interest, \$20.65.

Hathaway, like all rogues, was encountering trouble. On October 5, one of his associates wrote him:

I must in the most earnest manner intreat you to attend to our business with General Allen. . . . The time is now short and without proper attention he will most certainly steal a march on us.<sup>1</sup>

On October 11, Henry Cull, of Quebec, wrote that he had written Daniel Chipman and was about to sue on the notes Hathaway gave him for the claim against Allen.

It remains for your consideration whether you can legally recover from Mr. Allen for a note that you have not given a *Valuable Consideration* for . . . you have placed me out of the Frying pan into the fire . . . probably this matter, when investigated in a Court of Law or at the *Tribunal of the Publick*, may induce your adversary to make a very strict investigation into the payments made for all your other purchases. . . . After the great sacrifice already made [sold his claim against Allen very cheap] compels me to prosecute one that I most sincerely wished successful.<sup>2</sup>

The Legislature of Vermont met, October 14, at Burlington. Isaac Tichenor was elected Governor. Hathaway, Harrington, Darius Chipman, and Abel Spencer, all Federalists, were members. In Tichenor's address to the Assembly he said:

In a free state, a Militia, well equiped and disiplined, has ever been considered as a great and sure basis of its independence . . . in some states they have furnished the Militia with fire arms at public expense . . . in our state the Militia are very deficient in military equipment.

<sup>1</sup> *Hathaway Papers*, New York State Library, P. White.

<sup>2</sup> *Stevens Papers*, *op. cit.*, Wilbur Photostats, No. 972.

He was patriotic, after Allen's arms had been sold in New York. Israel Smith was elected a United States Senator. Allen's old enemy, Jonathan Robinson, was elected Chief Judge of the Supreme Court and was to try Allen's cases in Vermont. The Assembly resolved to take some effectual means to supply the militia with arms. While Tichenor, a Federalist, was elected Governor, the Legislature stood ninety-three Republicans to eighty-five Federalists. Allen countered against the petition of Hathaway asking the Legislature to compel General Ira Allen to deliver the records of Burlington, Colchester, Shelburne, Essex, and Georgia, by a memorial. The committee reported that the present law was sufficient and leave was given Hathaway to withdraw his petition. A number of Burlington people, among them Samuel Hitchcock, who married Ethan Allen's daughter, and Moses Catlin, who married Heman's daughter, petitioned for a law giving them the exclusive privilege for thirty years of building a dock and storehouse at Burlington.<sup>1</sup> Allen opposed it because he said it would injure Vermont's prospects of obtaining a ship canal for two-hundred-ton ships to the St. Lawrence. The committee reported in favor of it, and a bill was passed giving the petitioners the exclusive right for twenty-five years.

Allen, through his attorney, was heard on his petition to have his freedom one more year from civil suits and arrest, as he had been unable to arrange his business affairs. It was put to a vote and refused by ninety-four to fifty-six. Sixty-one Federalists and thirty-three Republicans made up the ninety-four. The Chipmans, Hathaway, and Harrington were anxious to have him out of the State when their lawsuits to obtain title to his lands came up, and all voted against him. Mr. Emmons asked leave to introduce a bill providing for a settlement between the State and General Ira Allen, but it was voted down.

Allen remonstrated against building a bridge over the Onion River between Burlington and Colchester and taxing it against those towns. The act was passed and a tax levied. As he owned most of these towns, the cost fell on him. The Legislature adjourned November 12.

The trustees of the university met during the session of

<sup>1</sup> *Vermont Journal*, 1802, p. 257.

the Assembly. At the meeting, held November 1, which had been adjourned from day to day since October 16, there were present Tichenor, Jonathan Hunt, who tried to obtain the town of Woodbridge from Allen, Abel Spencer, who was now Speaker of the House, Harrington, Russell, Staunton, 'General Ira Allen, and the Reverend Daniel C. Sanders.' To have encountered the first four here Allen might well have regretted his founding of the university. As far as the records indicate, the meeting progressed in the usual manner. On November 6, Staunton resigned, and Martin Chittenden, son of the ex-Governor, was elected a trustee. It was voted to pay President Sanders 'one hundred dollars in amount [which meant butter and eggs, etc.] of his services as president . . . as soon as these sums may be collected from rents due.' W. C. Harrington was appointed a committee to confer with Allen for a settlement 'of his bond to this Corporation.' Allen was not able to be present at another meeting until 1804.

Thorn was endeavoring to raise five thousand dollars for him, but wrote, on October 31, that he was disappointed, but hoped to have three thousand soon. 'Your enemies are making every possible exertion to thwart you in all measures.'<sup>1</sup> Bonds for deeds that he had signed with his brothers years before seemed to come upon him during this one year of freedom which was granted him to settle his affairs in Vermont.

Joseph Fay wrote him from New York that he held Ethan's 'deed for the right of Francis Whitman on Grand Isle or Two Heroes.' If Allen could not get the Whitman deed and record it, Fay would lose the land and Ethan's estate would be liable.<sup>2</sup> One bond, given in 1793, for thirty-five hundred pounds to Zenos Bradley,<sup>3</sup> now of Barbados, an old friend of Allen's, had been assigned by Bradley to a sea captain, David Otis, in 1794, but Otis never had presented it, hearing that Allen was in Europe. Otis wrote him from Charleston from aboard his ship that he should expect to receive payment in the spring. This bond was secured by a mortgage on the township of Coventry.<sup>4</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 974.

<sup>2</sup> *Ibid.*, No. 976.

<sup>3</sup> Wilbur Photostats, No. 971, *ibid.*

<sup>4</sup> *Ibid.*, No. 973.



Allen heard that a Mr. Hardin, of Quebec, a lawyer acquaintance, was going to London, and wrote to inquire if he could look after his business there. The answer, November 25, was that his stay would be short and the trial he was attending would require all of his time. He offered to carry any letters to London if Allen would have them at St. John's by December 20.<sup>1</sup> James Fulton wrote that he had just arrived from England, but could not visit him. He sent Allen a letter from Dr. Peters and some letters for people in Canada, which he wished forwarded.<sup>2</sup>

Samuel Peters's letter is dated London, September 10:

I believe your arms will be condemned because you have failed to clear up three points, stated by Judge Eyre, who with Judges Bullar, Kenyon and others are in the long day, to answer for their manifold offences [evidently dead] . . . The executor of Myer's will part with none of your books, but for the money; and has sent (via) New York and Boston (as I have heard) to enforce the balance due from you. . . . Mr. Slade has written to Paris for your proofs — but has received none — Genl. Clark and Mr. Petiet are in Italy. Mr. Slade appears anxious to gain your cause, but your silence about proof and money [for fees] greatly disheartens him. . . . no printed case of yours has reached us and that sealed parcel sealed for the court and directed to Mr. King, was by Mr. King not received because of the postage £3. or £5, charged; it however was sent to Mr. Slade and he paid it. Mr. Scott [merchant] has been sick . . . he seems not easy with your procrastinating arguments; he however was pleased at your saying, that you should soon surmount all difficulties brot on you by the people of *Ver-mont* [It was difficult for Dr. Peters to spell without putting in a 'd'] in your long absence. . . . If you do not something of consequence in the money way soon; the Doctor and I will not be able to keep your character above that of J. A. G. — [Graham]. Mr. Lorimer has been sued for a large sum for having recommended the *Grahams*. . . . The Doctor [Moseley] intends to send your trunks by Genl. W<sup>m</sup> Lyman in the *Aurora* to sail for New York this month, I am told your cloths are motheaten much. . . . We all want something more from you than words. Mr. Owen sends his respects to you and so do all your friends in this Capital.

I want an asylum in *Verdmont* — not in Vermont — you can afford me one, I expect it, give it — and explain it. [Dr. Peters wanted to be Bishop of Vermont or President of the University.] Your canal lives with me and the Doctor — it can not be until we are with you — and the eyes of the blind are opened. . . . If you sleep well your creditors and expectants [Peters was the latter] do not. Awake thou that sleepest and call upon thy Gods! or thy salvation is nearer than when you believed in J. A. G.[raham] & Co. If we did not know your dif-

<sup>1</sup> Wilbur Photostats, No. 977, *ibid*.

<sup>2</sup> *Ibid*., No. 981.

ficulties and perplexities, we should be apt to believe you to be without feelings . . . we hope the best things of you, although we thus write.<sup>1</sup>

Nathaniel and Daniel Chipman and Noah Chittenden, the masters appointed in the suit of Hitchcock and Pamela Allen against Ira Allen, made their report to the court at the December session.<sup>2</sup>

It claimed that the parties comprising the Onion River Company purchased 77,622 acres of land; Ira Allen owned personally about twice this amount of land. Out of this 77,622 acres prior to 1775, there had been sold 16,793 acres, leaving 60,829 acres valued at \$297,042.50. That there is due the heirs of Ethan \$69,823.31, and out of this there is due Samuel Hitchcock's wife Lucy and Pamela Allen the sum of \$26,183.-76. The masters were employed about thirty days in making this report and charged \$306. Nothing was allowed Ira Allen for handling the company, buying and selling most of the land as well as surveying it, and nothing for his services in handling the estates of all the other members of the company for from ten to twenty years or for the care and expense of caring for the minors left in his care by the different members of the company. It is remarkable what a different valuation was put on the lands (either those owned by Ira Allen or the company) by the heirs and the men who were suing and attaching his lands. The heirs' valuation was about four times that of the appraisers in the lawsuits brought by some of the heirs. If Hitchcock had enlisted the services of his attorneys, Nathaniel and Daniel Chipman, in 1799, he could have raised the money to buy Ira Allen's arms when in New York and sold them to the militia at a profit of one hundred thousand dollars, which would have paid all of Allen's debts.

Allen was not able, with all his other business, to give this case the attention it required. He addressed the following to the three masters acting for the court:

Onion River Company began purchasing land on N. Hampshire grants without any written contract or stated capital. But all purchased where convenient. Sales were made by the respective persons, in some instances the avails of such sales were applied to the use of s'd company and in other instances to the benefit of the individuals who made the sales. That in the year 1775 Capt. Baker died, in 1776

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 916.

<sup>2</sup> Appendix XII, 1802.

Timothy Allen died, in 1778 Heman Allen died and that in 1789 Ethan Allen died. In friendship to the deceased and their heirs I have acted as executor. (As according to laws of the state he can be held accountable for all sales wherever made and as the Revolutionary War caused much confusion in affairs he asks court to give him special attention through equity.)

IRA ALLEN

To the Hon. Nathaniel Chipman, David Chipman, and Noah Chittenden.  
BURLINGTON, *Dec. 5th*, 1802

With Robinson as Chief Justice, Royall Tyler as one of the side Judges (since 1787 an intimate friend of Tichenor's, to whom he undoubtedly owed his appointment), and the three masters all enemies, Ira Allen had small reason to hope for 'special attention through equity.'

Every day that he stayed in Vermont he was liable to attachment on some claim, whether equitable or not, and the jail was always looming up in the distance. Without funds for lawyers, his chances of recovering his property seemed slight. He was almost living on horseback, which somewhat improved his health, but he had never fully recovered from the effects of the imprisonment in France.



## CHAPTER XXXI

### EXILED FROM HOME AND THE STATE HE CREATED

1803

EARLY in the year 1803 there appeared in London a volume of a series that had been appearing every two years, entitled 'Public Characters of 1802-1803.' These publications were devoted to sketches of the lives of England's most accomplished men, and occasionally contained accounts of distinguished Americans, such as Washington, Jefferson, Hamilton, and others. In this 1803 issue appeared that of 'Major-General Ira Allen of Vermont.'

This singular and extraordinary man, the particulars of whose life we are about to detail, is a native of the American woods, and his history is in some measure connected with the American revolution.

It then accurately records the principal events of Allen's efforts and the early history of Vermont and concluded:

General Allen is not yet fifty years of age; he is a married man, and has several children. In point of stature he is below the middle size, and his person and address are both prepossessing. He has habitually acquired a command over his passions; is cheerful, good tempered and benevolent; but somewhat positive in his opinions, which has, however, given an air of firmness to all his public measures. During the course of the trial alluded to, General Allen printed the whole proceedings, as taken down by a short-hand writer; and he has also published the History of the State of Vermont, which, according to his account, contained the progressive population, in fighting men, annexed to the respective periods, as follows, viz.

In 1781 they were estimated at	7,000
1792	18,500
1798	near 30,000

Yet it is but a few years back that the whole country was a wilderness, overgrown with wood, the receptacle of wild beasts, and unimpressed by the footsteps of man. Mr. Ira Allen, who had shared in all its infant struggles, has lived to see Vermont attain an unexampled degree of prosperity, and, after achieving its independence, has beheld it become an important state in the American Union; while he himself, by a cruel reverse of fortune, equally sudden and unexpected, after endowing an University, and acting as a legislator and a general,

has been subjected in one foreign Country to all the rigours of imprisonment, and in another to all the miseries attendant on confiscation.

It was a high tribute and doubtless was drawn forth by his publication of the proceedings of the Admiralty Court, and his 'History of Vermont.'

Once more Allen was to receive a severe and unexpected shock. Bird, Savage and Bird failed. With Baring Brothers they had been bankers for the United States and Rufus King kept his private account with them. It was at his request that they had signed Allen's bail bond for the release of his arms, and they had advanced the money to pay his debts in London. At the time, he could not have found a better firm and it was with no thought of risk that he entrusted them with his arms, worth at least one hundred and fifty thousand dollars in New York, while his bail bond and advances made him could not exceed, he believed, fifty thousand dollars. On February 7, the firm sent out the following printed notice to their customers and depositors.

We are extremely sorry to acquaint you that we are under the Necessity of suspending our payments, in consequence of repeated Disappointments in the receipt of Remittances, on Account of very large debts due to us in America and the West Indies.<sup>1</sup>

After several creditors' meetings they went into bankruptcy, the United States losing most of its deposit with them.

They undoubtedly had been in financial straits for some time. They had been exceedingly anxious to obtain a decision in Allen's favor the preceding year. If they could have accomplished it, they would have had the use of any money received from the sale of his arms. The affidavit made March 22, by Benjamin Savage, Robert Slade, and James Kierman, praying the court for a requisition to examine General Clarke, then French Ambassador to the Italian Court at Florence, Italy, gives an account under oath of their efforts the previous year. Their affidavit recited all concerning Ira Allen, his imprisonment and efforts up to the time he sailed for America. It then stated that, soon after peace was ratified between France and England, James Kierman went to Paris in the

<sup>1</sup> *King Letters*, vol. 55, p. 374, New York Historical Society; also Wilbur Photo-stats, University of Vermont.

month of August, 1802, called on M. Carnot at his house September 10, 1802. M. Carnot told this deponent that he remembered the transaction very well, and that when he was one of the members of the Executive Directory he had the management of everything that related to the War Department, and that, General Allen, having applied to him to allow him to purchase a quantity of arms of the Republic, he agreed to do so, and had, by an *arrête* of the Executive Directory, authorized M. Petiet, the then Minister at War, to make a contract for the sale of arms and cannon with the said Allen; that he well knew that the said arms were sold to the said Allen for his account and risk; that General Clarke was the interpreter and that M. Carnot would gladly give his testimony to the truth of these assertions, if the Government would give their permission, as he was one of the Executive Directory at the time the contract was made. Kierman requested the American agent for claims in Paris to apply to the Consul for this permission; the American agent made the application, but Kierman, finding it was uncertain when permission would be granted, returned to London. Savage then requested Slade to go to Paris; he left November 4, accompanied by Kierman, and arrived November 9. Slade talked with Carnot and Petiet; both told the history of the transaction, but felt they could not, without permission, give sworn testimony. Slade made every effort, but was unable to obtain the permit and returned to London leaving the case in the hands of M. Chevrier. On January 24, 1803, he was informed that Napoleon had refused to permit Carnot and Petiet to make affidavits in the case. Slade testified he had made inquiries of various persons, the American agent and other Americans in Paris, but could find no one who knew anything of it except by report, 'owing, as they believe, to the said General Allen being a very reserved man, and generally unwilling to let any one know any transaction which he was engaged in.' Slade had the assistance of the British Ambassador in Paris. They may have begun to realize what a task it was they had required of Allen, who had, however, obtained, in 1800, a certificate from M. Petiet. This memorial and a large number of affidavits sent by Allen from America were presented to the court on March 23, 1803, and the court took them under consideration, but did nothing more in this case during this year.



Francis Childs, who had sued Allen, in Burlington, the previous year, for Bird and Company, had purchased a large quantity of goods in New York, some of which came from Robert Bowne. Childs gave in payment his notes endorsed by Bird and Company. On March 27, Bird and Company wrote to Robert Pitcairn, of Hamburg, of the failure of Bird, Savage and Bird and requested him to retain the proceeds of the sale of the goods shipped to him by Francis Childs and a similar request was made to him by Childs. On April 2, Childs assigned his interest in the goods to Bowne and others, they giving him an agreement to pay him any surplus over the amount of their notes received by them from Pitcairn. By this means, they intended cheating the creditors of Bird and Company, who were the real owners of the goods.

When Bird, Savage and Bird filed their schedule of assets and liabilities, Allen was listed as owing them £12,889-4-6. In this was included the sum they were obligated to pay if Allen's suit was decided against him. If the decision was in his favor, the bail would be released, but about all Allen would receive would be his share of what Bird and Savage paid their creditors, and such damages as he could obtain from the British Government; and this compensation could only be gained through the Government at Washington.

Allen had continued his efforts to settle his affairs in Vermont, even though he knew he was liable to arrest at any time. It seemed strange to him that his friends and enemies should act on one principle, 'to cut off resources of money.'<sup>1</sup> On a claim against him obtained in Canada, he was arrested and confined in jail in Burlington several months. Through Herman, he kept actively engaged settling his affairs, though in prison. He realized that his imprisonment in Paris had much impaired his strength, and that he could not long endure confinement. Just when his health seemed breaking down, in the month of March, he received word that Bird, Savage and Bird had failed. It would not have been surprising had he collapsed under this last affliction.

By making great sacrifices to men he had formerly favored, he obtained bail late one Saturday night, having heard that more suits would soon be commenced against him. Hathaway had temporarily triumphed, as Allen, apparently, was obliged

<sup>1</sup> Allen's *Copies of Letters* (Philadelphia, 1811), p. 36.

to deed to him all his lands in Sheldon, Colchester, Burlington, Essex, and Georgia, making the consideration the nominal sum of twenty thousand dollars. Heman secured the bail and became responsible, with Hathaway, for ten thousand dollars, the amount for which the bail was liable.

Allen turned over all his papers to Heman and deeded all his remaining property to him. Even his household furniture (family tradition has it that his silver plate was worth over two thousand dollars) had been attached, while he was in Europe, for a just debt for a larger amount than the value of the furniture.

Thus he fled from the State he had founded:

On Sunday evening [after his last day with his wife and children] a boat with some men were prepared (the ice on the lake had just disappeared) and, being surrounded by a number of pretended friends, a person they considered of their party, wished to speak to me, I stepped out, walked a short distance, and found a friend on horseback holding another horse by the bridle; we rode to said boat; I proceeded up Lake Champlain to Lake George procured another boat, and, with the same men, soon arrived at the south end of said lake, where I purchased a horse, and took a long journey for my health.<sup>1</sup>

A fatiguing, cold trip in a small sailboat at that season of the year. To prevent pursuit he caused his house at Colchester to be fastened securely. This ruse induced his creditors to believe that he was in his house with his family. They arranged to arrest him, but, after a week when he was well on his way, the doors were opened and the 'conspiracy gave up the chase.'

Allen closed his account of these persecutions in Burlington when he wrote of it, in 1811, with '*Skin for skin, yea all that a man hath, will he give for his life*, are the words of Satan in answer to the Lord, in the book of Job.'<sup>2</sup>

There was no possible way that he could free himself from debt. Driven out of the State, where all of his property was located, he had heard that Kentucky had a bankruptcy law that would prevent further persecutions and decided to ride there on his horse. Matthew Lyon had left Vermont and was now living in Eddyville, Kentucky, whence he was sent to Congress four times, 1803-11. His acquaintance with Lyon since

<sup>1</sup> Allen, *Copies of Letters*, p. 36.

<sup>2</sup> *Ibid.*, p. 36.

1775 may have been the cause of Allen's going there. Allen never knew of the disparaging letter Lyon had written to Pickering in 1796 regarding him. After this long ride, he was ill, and on arriving at his goal was obliged to employ one Dr. Cattals. The horse with which he started went lame and he had had to buy another. In Allen's statement to the bankruptcy commission,<sup>1</sup> dated September 21, he recited his efforts to settle with his creditors in Vermont and his imprisonment on claims for large amounts, where little was due. He noted also that he had, when confined, written his second volume of the 'Particulars of the Capture of the Olive Branch.' All that remained to him was his horse and saddle and the lame horse he had left on the road. He exhibited the doctor's bill receipted as paid by goods. It is probable that he was given his discharge, but no record of the proceedings can be located.

While he was leisurely riding to Kentucky, his enemies were not idle. On June 1, Bowne entered into an agreement with Hathaway to deed him all the lands in Georgia township, excepting seven hundred acres which was to be retained by Bowne (this included the five-hundred-acre farm of Reuben Evarts, considered the best in the township), providing Hathaway paid to him, on or before February 1, 1804, the sum of \$4378.

Edmund Prior, one of the New York group, visited Burlington in June. Stephen Mix Mitchell, a young lawyer from Connecticut, had located in Burlington and became one of the leading attorneys of Vermont. On July 20, he wrote Prior that Hathaway claimed to have a deed of Swanton from Ira Allen, but had not delivered it to him as promised. He also wrote of the appraisal of one dollar per acre by Holgate and Hathaway's brother and related that, when the Ethan Allen estate obtained judgment against Ira Allen, the Master in Chancery reported the same land worth five dollars per acre. When Prior reached New York, he advised changing attorneys in Vermont, so, on July 29, Robert Bowne and Thomas Eddy wrote Mitchell, 'We are induced to confide in thy care and attention in assisting W<sup>m</sup> C. Harrington relating to our concerns in Vermont. . . . Thou wilt, we trust excuse us in mentioning, that our Citizens, who have concerns in Vermont, very generally complain of your lawyers.' He wrote of

<sup>1</sup> Vermont Historical Society, Montpelier, Vermont.



a number of grievances, and added a postscript that 'they did not mean to insinuate that there is the least reason to apply this charge against Col. Harrington.'<sup>1</sup> Bowne was a shrewd old Quaker and Mitchell, having just begun practice, was flattered to have a wealthy client and wrote, August 10, that he would undertake their business. He soon tired of it, as they wrote many letters and pressed often for settlements. The first case they gave him was Allen's suit against Bowne, Hathaway, and others. The other lawyers engaged by them in this suit were Nathaniel Chipman, Cephas Smith, and Judge Benson. Bowne wanted the case tried in the Federal Court and this was written to Mitchell, August 10, concerning a bond given to Allen by the Evarts;

Genl. Hull has a copy of this bond and Hathaway has promised to get us the original of Allen. But since Hathaway has joined Allen endeavoring to swindle us out of our Thorn Debt, I have lost all confidence in him.

Evidently Allen made some settlement with Hathaway to obtain money and avoid expensive litigation. Hathaway may have been willing to help Allen against Bowne and associates, as his interest in the lands deeded by Hull was much more valuable than his interest with Bowne. Hathaway went to New York in November and endeavored to settle the Thorn matter with Bowne, by compromise, but could not accomplish it. Heman Allen, designated by Bowne 'Hathaway's aid de camp.'<sup>2</sup> was with him. Mitchell was written to and twenty dollars was enclosed to be used in retaining Charles Marsh, 'thy Preceptor'; thus five lawyers were retained by them. The defendants gave a bond for one thousand dollars for costs, signed by Simeon Lester. They were most anxious to get it into the Federal Court, but as has been stated, the case was adjourned to the January, 1804, session of the court at Middlebury.

The Legislature of Vermont met at Westminster, October 13; Isaac Tichenor, Federalist, was again elected Governor. In his inaugural address, Governor Tichenor said:

In the exercise of the duties assigned to us, it may not be unprofitable to look back to the infant state of our republic; from

<sup>1</sup> *Stephen Mix Mitchell Papers*, University of Vermont.

<sup>2</sup> *Ibid.*

thence trace the measures pursued by our venerable fathers, to whose wisdom and firmness we are indebted for the rank and privileges of an independent state. It is a tribute justly due to their virtues, thus publicly to acknowledge that the evils arising from divisions and party-spirit, were not known in their legislative councils. Their appointments to offices were fixed on men whose disinterested zeal for the public good was manifested more by their acts than by their professions. A patriotic spirit of union in council and measures animated their administration. They subdued the wilderness, they sowed the seeds of science and the arts, and the elder states saw with surprise a few virtuous and united citizens, demanding as their right an honorable station among her sister states. It should be remembered that it was union alone sustained them in their infant struggles for right, in their noble exertions for sovereignty.

Tichenor was indeed a hypocrite. Knowing well that Allen had founded the State, he was, at this very time, using his influence to keep him out of Vermont. He bought in some of Allen's lands that were sold for taxes. He also recommended that the militia be supplied with arms, now that Allen's arms were disposed of. A letter was read from President Jefferson urging the States to 'form, encourage and equip its militia.' The report on the Vermont militia showed there were 17,574 men and 7559 muskets. If they had purchased ten thousand of Ira Allen's muskets at ten dollars each, it would have given him at least fifty thousand dollars in cash above all liens, and he would have had the proceeds of the other five thousand muskets. Abel Spencer took an active part in all legislation; was on the committee on jails and debtors, though he should at that time have been in jail himself, and was later arrested for stealing. He was also elected Speaker of the House. Jonathan Robinson was elected Chief Justice of the Supreme Court. A bill was introduced to enable the guardians of Ethan Allen's minor heirs to settle by arbitration, or otherwise, disputes over his real estate. Nothing was done for Ira Allen; his name does not appear in the record of this session which adjourned November 14, 1803.

Allen, worried by the men who were attempting to steal his lands, was also harassed by his relatives. On May 3, Dr. Jabez Penniman obtained a judgment against him for seven thousand dollars, and an execution was issued June 3. Fortunately Allen was not in Vermont. There was reason in the heirs of his brothers and the trustees of the university bringing suits

against him; they saw his property being sold for taxes and being levied upon by Bowne and Hathaway and they may have believed they were doing him a service in obtaining what was due them. However, it would have been generous and possibly less expensive if they had paid his taxes. Moses Catlin was operating with some Canadian creditors.

Allen, in December, in order to renew his efforts for redress at the Court of St. James's made a full statement to James Madison, Secretary of State, of his mission to Europe in 1795; why he purchased arms there, for whom the arms were intended, and all the subsequent events. This was published in a pamphlet of fifteen pages.<sup>1</sup> It was the basis of a letter of December 13 from Madison to James Monroe, Minister to Great Britain, calling his attention to Allen's case and requesting him to 'ascertain its present state.' If he found Allen had not been at fault during the trial 'the delay which has taken place amounts almost to a refusal of justice.' This was sent at the request of President Jefferson whom Allen had seen on his return to Washington the last part of November.

This was the last year that Ira Allen called Vermont his home, except in memorials and petitions to the courts and Legislature. The following year he took up his residence in Philadelphia and during the remainder of his life considered himself a Philadelphian. There is no evidence that he ever saw his wife or little Juliette after parting with them the Sunday evening he embarked on Lake Champlain.

<sup>1</sup> Library of Congress, University of Vermont.



## CHAPTER XXXII

### END OF THE MUSKETS: TRIUMPHS OF ENEMIES

1804

ALLEN returned to Vermont to attend a short session of the Legislature held at Windsor from January 26 to February 4. He believed his bankruptcy certificate would protect him from arrest. His friends feared for his life and 'furnished him with four pistols and a loaded whip, well charged. These measures were said to make some consternation among the land thieves of Vermont.' Very little business was transacted by the Legislature, and Tichenor as Governor had influence enough to prevent consideration of any petition Allen might have presented. Allen had left his manuscript for the second volume of the 'Olive Branch' with the printer. The printer had neglected to print any more of said book and it was with difficulty that the manuscript was found and obtained.<sup>1</sup> Realizing he could accomplish nothing by remaining longer, 'and while different measures were projecting to arrest and detain him, he packed up the papers necessary to compose the "Olive Branch," and left Vermont.'<sup>2</sup>

As soon as he arrived in Philadelphia he began the publication of his new edition of the 'Capture of the Olive Branch.' He prepared and had printed three hundred and sixty-eight pages,<sup>3</sup> and then was 'obliged to stop the press for want of some documents.' He had a number of the copies bound in boards 'for the use of the Citizens of Vermont,' as he wrote in a short preface. This edition has no title-page and but very few copies were ever printed. In the short address 'To the Reader,' he stated that, if they would bring this edition to the Legislature of Vermont on the second Thursday of October, 1804, he would furnish to them 'Title Page, Preface, and Index with other additions, &c.'<sup>4</sup>

<sup>1</sup> Allen's Concise Summary, *Olive Branch* (Philadelphia, 1807), p. 12.

<sup>2</sup> *Ibid.*, p. 13.

<sup>3</sup> *Narrative of the Transactions Relative to the Capture of the American Ship Olive Branch* [Philadelphia, 1804], p. 368.

<sup>4</sup> The following is intended for the last part of the second volume, New York Historical Society, p. 16.

The captors of Allen's arms virtually abandoned their cause after the failure of Bird, Savage and Bird and did not print their record for the consideration of the court in the final decision which was rendered on February 22. The arms were restored to Allen, but he was taxed with the costs, which, exclusive of the costs in the Court of King's Bench and Bufington's journey to the United States, amounted to £3,394-1-0. This was British justice at this time.

Peace between France and England, as well as the influence exerted by Mr. Monroe after he received his instructions from Secretary Madison of December 13, may have been the moving causes in obtaining a decision. The investigation made in Paris by Slade, Kierman, and their French lawyer, with the aid of the British Ambassador, failed to produce any evidence tending to connect Allen with any contemplated invasion of Canada and completely discredits the statement found in the secret archives of France.

The British Government and the captors made every effort to support their claim for eight years, but they never presented a scintilla of evidence to disprove Allen's first statement to the captain of the man-of-war that captured him. After the capture, the detention with all its concomitant suffering and financial loss to Allen, may be charged to John A. Graham. His first visit to London he made appear as one in the interest of religion and the fact that he crossed the ocean with Allen, stayed at the same house in London, and came from the same State, where he claimed to have served on the Governor's staff, gave weight to the false information he imparted to the Duke of Portland. No new evidence had been submitted to the court after 1801, at which time Bird, Savage and Bird were solvent. Between 1801 and 1804 they disposed of the arms.

What Allen had suffered 'opened a wide door for him to claim justice from the British Government, for all his losses both at home and abroad.' The United States paid British creditors six hundred thousand pounds, 'in consequence of legal obstructions to their collecting their debts, in the United States, until their debtors were bankrupts.' Unfortunately for Allen, the people of the United States were entering upon a bitter political party battle which changed the attitude of the Administration which had been favorable to him. Then a

belligerent attitude toward England developed, culminating in the War of 1812, the second war of which Allen was to be a victim.

The commission under the Jay Treaty, which had been hearing evidence in London for several years, wound up its business on February 24, two days after the decision in Allen's favor. They awarded to Americans on similar claims to Allen's £1,317,361, which at \$4.44 to the pound, the rate agreed upon by them and the British in 1802, amounted to \$5,849,082.

Bowne and associates were suspicious of Hathaway and wrote their attorney, Mitchell, on January 21, 'Hathaway is in possession of some papers that would be of great use to us; he has promised to give them to Captain Thomas G. Wait, of Bennington. Wait says if he does not, he will attach every foot of land he has. . . . Allen having obtained the benefit of the Bankrupt law . . . the suit must drop of course.' This referred to a suit they were bringing against him on a claim they had purchased. At the January term of the court, Bowne's lawyers had argued to have Allen's case against Hathaway, Bowne *et al.* transferred to the United States Court, where they felt he would have no influence. Allen's lawyers opposed it on the ground of the principal defendant Hathaway being a resident of Vermont. The court, after a week's deliberation, transferred it and the case came up in the United States Court at the May term. The court ordered that the plaintiff procure bail or surety in the sum of five hundred dollars to cover costs and lodge the same with the clerk by the second day of next term, or in default thereof the said bill shall be dismissed. Allen's lawyer, Samuel Miller, claimed the court had no jurisdiction, so did not file the bond. He made a grave blunder and sacrificed Allen's interest.

Part of the land Allen intended to deed to the University of Vermont on his subscription of four thousand pounds was located in the township of Plainfield, in which town he and Gamaliel Painter jointly owned land. They had appointed Jacob Davis their agent to sell it. Differences arose between Davis and those attending to this business for Allen, and in 1799, Davis ceased to represent Allen. Davis did sell several



parcels and, while he was in jail in Burlington, gave deeds in his own name, although none of the land was in his name. Davis and the settlers to whom he sold allowed their land to be sold twice for taxes, and bought it in through third parties to strengthen their title. Davis was still in jail when he, through his attorneys, obtained, in 1804, a judgment against Allen in the County Court at Danville for twenty-five hundred dollars. Execution was issued and part of the town was set off to him. Davis never was liberated and died in jail.

About the time Davis obtained his judgment, the university had sued Allen and obtained a judgment for fifteen thousand dollars, although there was only ten thousand dollars due them. Execution in their case was issued and the balance of the town of Plainfield was set off to them. The year previous, Allen, before leaving Vermont, had deeded all this land to Heman, who then deeded the land to James Savage, a resident of New York. This was to enable him to bring suits against the settlers in the Federal Court, as it was difficult to secure judgment against settlers in a local court. He won his suit and the settlers were obliged to pay him for the land. They had paid Davis an average price of a dollar and a quarter per acre. The average price paid to Heman Allen in 1808 was a little less than three dollars per acre. Allen had intended to deed ten thousand acres in Plainfield besides other land to the university.

Mrs. Allen's father, General Enos, and Roger Enos, Jr., were elected to offices which would aid in securing Allen's rights. Enos, Jr., was elected tax collector in Irasburg, and sold all the lands in that township for taxes during this year. Heman bid them in; this was repeated and, when he had perfected the title, he deeded it to Mrs. Allen, thus making her the sole owner of the township, public rights excepted.

Hathaway, October 4, wrote Nathan B. and William P. Graham, requesting Major Graham to execute a deed to him as agreed, for land they had received from William Hull. Hathaway agreed to secure a legal discharge from Ira Allen or his attorney, and declared Heman Allen would settle the matter. Heman, on October 29, received the deed from Graham.<sup>1</sup>

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 3087, Library of Congress and University of Vermont.

Early in October, Allen sent the following memorial to the Judges of the Supreme Court of Vermont. This was in answer to the report of the masters in the suit instituted by Hitchcock. It narrated the formation of the Onion River Company with no written agreement between its members, which showed their confidence in him. It exposes the advantage the heirs were trying to take of him and calls the court's attention to the fact that Nathaniel and Daniel Chipman were acting as masters appointed by the court to take evidence and report their judgment, and were also the attorneys of record for the heirs.

*To the Honorable Supreme Court soon to convene in Rutland in Vermont:*

The memorial of Ira Allen of Colchester county of Chittenden and state of Vermont humbly sheweth that in the year 1772 your memorialist on his own account, purchased large tracts of land contiguous to Onion River and came and viewed the country, which stimulated him to concert measures to make further purchases and to endeavour to settle the same in opposition to the New York claimants. In order to gain assistance, in capital and influence, to forward settlers, he applied to his brother Heman Allen who agreed to the proposition. Ethan Allen, Zimri Allen and Remember Baker also agreed to be concerned with your memorialist and the s<sup>d</sup> Heman Allen, in the purchase of lands and settlement thereof in the vicinity of Onion River without any written contract or stated capital.

In 1773 they commenced business as aforesaid. In March 1775 the several persons above named met in Sheffield for the settlement of their accounts. Some disputes arose and their accounts were not all liquidated yet they verbally agreed to continue s<sup>d</sup> business and parted without deciding what share each one should have of such lands but agreed to meet again at Sheffield in March 1776, for a full settlement; at which time Ethan Allen was in Captivity. In August 1775 Capt. Remember Baker died; in March 1776 Zimri Allen died; in May 1778 Heman Allen died; in February 1789 Ethan Allen died; the settlement of all their estates devolved on your memorialist. By the events of war some of the papers have been lost and the probate office in the district of Chittenden burnt with all the papers it contained respecting s<sup>d</sup> estates. The estates of Ethan Allen and Remember Baker were not fully settled when your memorialist went to Europe in 1795. During his detention there Saml. Hitchcock, Lucy C. Hitchcock and Parmelia Allen heirs at law to the s<sup>d</sup> Ethan Allen — Abel Allis heir at law to the s<sup>d</sup> Remember Baker commenced suits in chancery for the recovery of that part of the property they supposed yet due to them. On your memorialist's return from Europe he found his property and that of s<sup>d</sup> heirs much embarrassed by the claims of Speculators. He therefore exerted himself to secure the

whole property, both belonging to the heirs and himself. In the meantime he was hard pressed to nominate masters in chancery to adjust and report to your honors the claims of s<sup>d</sup> heirs, when the Hon. Nathl. Chipman, Danl. Chipman and Noah Chittenden Esquires were by the parties, nominated masters in chancery; at which time your memorialist expected to make a settlement with the parties by mutual agreement. But the pressure of attending to secure the whole property as aforesaid has prevented. Your memorialist finds that Nathl. Chipman and Dan<sup>l</sup> Chipman Esq<sup>rs</sup> were both attorneys for S<sup>d</sup> orators. Whether that would have any influence in their determinations are submitted. At the rising of the Assembly he was served with written notice to attend the masters.

Allen went from Philadelphia to Rutland, Vermont to attend the United States Court and spent eighteen days there during the session of the Legislature. How different from the old days when the Legislature was guided by his hand and when all important measures were prepared by him and Governor Chittenden in advance and passed with little or no argument! Those who were acquiring his lands were alarmed when he appeared and did everything possible to embarrass him. Much, of which we now possess the documentary proof, was then only surmised by Ira Allen.

The Legislature met at Rutland, October 11. Tichenor was again elected Governor. W. C. Harrington represented Burlington and took an active part. Jonathan Robinson was again elected Chief Justice. Harrington, Royall Tyler, and David Russell, committee for the university, submitted a statement of its condition, disclosing that Ira Allen had subscribed \$13,333.33 [four thousand pounds]. The college had received the land where it now stands, valued at \$3333.33, had obtained a judgment against Mr. Allen for the balance, and had levied on land that would bring ten thousand dollars.

The committee, to whom had been referred the petition of Ira Allen, praying the Legislature to pass an act to secure his person from arrest in civil suits for the term of one year, reported, it ought not be granted. The report was accepted and, with generous gesture, permission was granted to withdraw the petition.

Tichenor sent in a message with a memorial from General Ira Allen, similar to one presented to the Legislature in 1802. It requested the Legislature by a vote to instruct the Representatives of Vermont in the United States Senate and House



to assist him in obtaining the balance of the arms in France. It was brought up in the House after Allen had been obliged to leave Rutland, and the following resolution was introduced by Daniel Smith from Monkton, Addison County:

Resolved that — be and they are hereby appointed a committee to bring in a bill authorizing Ira Allen Esq. to apply to the President of the United States, to hire gun boat No. 1 of the American Navy, for the purpose of importing arms for the use of the Militia composing the Alarm of this State, which resolution being read, Resolved that the same do not pass.

This was considered a good joke and was perpetrated just before the Legislature adjourned.

At that time possibly seventy-five per cent of the people in the State knew nothing of Ira Allen. From 1787, when he retired from active political life, Vermont had grown from almost a wilderness to over one hundred thousand people. His departure in 1795, without settling his accounts with the State, gave his enemies a chance to malign him, of which they took advantage. Tichenor, especially to place the Federalists in power, had derided him and questioned his honesty throughout the entire State. Allen, having handled all the funds for many years in addition to being Surveyor-General and diplomat in all important negotiations, was the only official they could abuse to elevate themselves to the control of the State — a party practice still in vogue. They also accused him of endeavoring to turn Vermont over to the British in 1781. Allen was a dignified man who never stooped to misrepresentation, and what he said of these people is recorded in these pages.

When he did not return to Vermont in 1796, Graham, as we have seen, circulated the story that Allen was confined in prison, and accused him of buying arms to take part in an invasion of Canada. The people could not but believe these stories. Complaints are common now because less than fifty per cent of the qualified voters in Vermont do not vote; in those days, when Vermont's population almost doubled in a few years, often not over ten or fifteen per cent of the voters cast a ballot at the annual election. They were new to the country and took little interest in politics. That Allen had been confined in jail in Burlington hurt his reputation with many people; it is quite likely that his own children felt the disgrace and wondered what their father had done. For many

years after his death none of his descendants mentioned him or were proud of their descent.

The university trustees met August 13, seven being present, including the Governor. Reverend B. Chittenden resigned. They were in session three days and adjourned to October, Ira Allen not present. They met again on October 12; Tichenor, Harrington, Hitchcock, Marsh, Russell, Ira Allen, Reverend Mr. Green and Reverend Caleb Blood present, which made a quorum. They adjourned to eight o'clock Saturday morning, October 13. Allen, having resigned the day before, was not present. They voted to accept his resignation. Thus Ira Allen severed his connection with the university he had founded and his name never appeared again on the records. No resolutions were adopted on his death, ten years later, and he was soon forgotten. His own family knew little of what he had done for the university. Mrs. Allen did not impart her knowledge to the children, and she, undoubtedly, was not enthusiastic about it. The following letter is evidence:

IRASBURGH 12, *June* 1838

HON. ELIJAH PAINE

DEAR SIR:

I find from consulting the journals of the Legislature for 1789 that my Father presented a memorial and subscription for the establishment of the University of Vermont and also that in 1791 the subject was again brought before the Legislature on his motion and a donation of four thousand pounds offered by him and that in the after proceedings he was on various committees connected with this subject and that he was one of the first trustees. I am about erecting a monument [at Irasburgh] to the memory of my Father and I wish to enquire of you as one of the actors in those days if the part he took in relation to the founding of the University of Vermont was so prominent as to make particular reference to it or mention of it in the inscription upon the monument proper and if so in what terms it should be referred to. I would be glad in the inscription to do justice to his memory while at the same time I have no wish to claim for him any credit which is not fully and cordially accorded by his associates and contemporaries best knowing the part he acted. I am &c,

IRA H. ALLEN

The United States Court convened in Rutland in October, and, when Allen's suit against Hathaway was called, it was at once dismissed on the plea that the five-hundred-dollar bond

had not been filed and costs were assessed against him. An account is given in a letter, dated October 26, to Bowne from his attorney, Mitchell.

The bill . . . Ira Allen against you is dismissed [October 12] with costs, for want of bail for prosecution, the costs \$220.44 . . . execution for that sum issued and Ira Allen is probably now in jail at Rutland.

Mitchell wrote again on December 4:

This execution [above] against Allen, which at the time of judgment was not deemed worth one dollar, is now undoubtedly secured; the execution was levied on Allen's body and the Marshall suffered him to go at large for a few days, as he could not procure bail, in the mean time, I prayed out another execution for several thousand dollars [\$11,669.33] upon a judgment I received against him [Young & Co. Quebec] which alarmed him so that he absconded and has not been seen or heard of since. Your execution expires December 14, [the Marshall was now liable], until which time I shall keep my large execution (which I am indifferent about levying upon his body, as property has been attached) as a rod to correct him, if he appears to be delivered up on your execution.<sup>1</sup>

The same lawyer who ordered him arrested for \$220.44 was indifferent about attaching his body for \$11,699.33.

Mitchell was able, through the treachery of some member of Allen's family, to make secure his judgment. Heman, to whom his uncle had deeded all his property and who possessed all his papers, which were kept at his home with Mrs. Allen, devoted all of his time to Allen's interests. In the same house lived General Roger Enos and Roger, Jr., and both had a difficult time keeping out of jail for debt. Mitchell wrote his client that, 'by paying a debt of \$500 that was pressing some of Mr. Allen's family,' he obtained secret information and documents about certain lands that amply secured his debt. This was a debt created by the arbitrary method of inspecting lumber at Quebec so that shippers never received for their lumber the price agreed upon because of the claim that it did not come up to grade. It is certain that Heman Allen was not the traitor and Mrs. Allen could not have known of it. Mitchell attached 11,880 acres and had it appraised at one dollar per acre, writing his client, 'The lands appraised at one dollar per acre are generally supposed to be worth from two to three dollars per acre providing the title was clear.'<sup>1</sup> This is

<sup>1</sup> *Mitchell Papers*, B. M. Clark, or University of Vermont, Burlington, Vermont.



only one of many ways in which they robbed Allen while they kept him out of the State by using the most abominable law ever passed; that which enabled a creditor, for a small sum, to confine a man in jail.

Allen had been from the first settlement, and still was, proprietors' clerk of the township of Georgia, and Heman now had all of these early records and surveys. Allen had had a good title to about sixteen thousand acres or five sevenths of the town. Heman offered to deliver all these records to Mitchell if his client Bowne would agree to clear all titles and give Allen one half of any land recovered under Hathaway's deed, over four thousand acres, which was the original amount Bowne was to have received from Hathaway. In addition, Bowne was to release the execution of \$220.44 against Allen. Bowne at first refused to sign this release, insisting that Allen pay the costs, but Allen would not carry out the rest of the contract and Bowne finally released it. The marshal had been good to Allen in giving him his freedom, and by the release of the execution it would prevent any censure by the court. Hull had deeded to Hathaway, he to John Smith, he to Noah Smith, and Noah back to Hathaway, who then re-deeded to Bowne. Each one kept out some land for himself from the original amount deeded by Allen to Hull. Mitchell wrote Bowne recommending the acceptance of Heman's offer and was of opinion that he would get five or six thousand acres, but if he recovered only four it would sell for from sixteen to twenty thousand dollars. He inquired what he would accept for his interest, giving time for payment, and give a quitclaim deed. He believed that he might be able to sell 'if he [Mitchell] is interested in the purchase.' This indicates the value of the land stolen from Allen; his land in Georgia township was worth fifty thousand dollars, three times as much as he ever owed Hull. Bowne offered to sell and give a quitclaim deed on four thousand acres for ten thousand dollars. He wrote that he was very anxious to close the troublesome business. The contract on the terms offered by Allen was entered into early in 1805.

Allen, to conceal his ownership, had deeded to General Spafford a large tract of land in Lutterlough township, to be

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 3630, Library of Congress and University of Vermont.

sold for him by Spafford, who received liberal compensation for his sales. Mitchell, by paying a member of Allen's family five hundred dollars, obtained information of this land held by Spafford, and at once levied on all the unsold parcels in Lutterlough.

Allen had ridden up from Philadelphia and met Heman at Rutland. Word had gone to Mitchell, for the sheriff was endeavoring to find Allen in Rutland, to attach his body. If it was young Roger Enos who informed Mitchell of Allen's property held by Spafford, it is to be hoped that he felt remorse at the prospect of an attachment being levied on Mrs. Allen's lands in Irasburgh, mentioned by Heman in the following letter:

RUTLAND 1st November 1804

DEAR MADAM,

Since I wrote you by the mail & Since Gen<sup>l</sup> Allen left here I have got the Deed from the Grahams, & now Send the same forward by Mr. Parker for Record which makes my title compleat to the 17 Rights in Sheffield — Robert Peaslee came in here the Saturday evening before Gen<sup>l</sup> Allen departed, which induced a suspicion of his business, he left here on Ben Boardmans horse on sunday evening, & on monday morning early I saw the marshall & his Deputy & found that Robert had brot down the John Young execution of \$11,000 to levy on him — My horses both remaining in the Stable, induced a suspicion that he was still in Town, which I encouraged to give him time — they have accordingly made diligent search & are still waiting the movement of my horses, he is already beyond their reach & they can follow me to Boston if they choose — I believe that our friend Robert returns much chagrined — Let all this remain between yourself & Roger — In consequence of this disappointment they may be the more apt to levy on Irasburgh, I therefore advise you to get the overdue Deed on file by Mr. Parker — I have been detained here Longer than I could wish, but have gained by the delay, which you will hereafter be sensible of —

Boardman has been of great service to me in this business — I am with esteem, Yours &c

HEMAN ALLEN \*

Allen gives a somewhat amusing account of his experiences in Rutland:

On the Claimant's arrival to the Legislature, in Rutland, the land thieves and speculators were much alarmed, and consultations were frequently held. . . . In the mean time the grand council determined to cause Genl. Allen to be confined in Rutland prison; . . . one more

\* Vermont Historical Society.

turn, it was thought would complete an unquestionable title to near three hundred thousand acres of land, with many buildings and extensive improvements. The lawyers and sooth-sayers were all at work, and many sheets of innocent white paper had a number of black marks made thereon; and after much bustle, expresses, and Collections at Rutland, all was completed in the greatest secrecy: the Marshalls, sheriffs, constables, &c &c assembled to make the all important attack (to complete the title of said land). In the gray of Monday morning, the ministers of vengeance parade the streets and while it was yet dark, all the avenues to Mr. Gould's hotel were secured early in the morning; The marshall enters and enquires for Genl. Allen, he was very innocently informed, that he was in his room in bed: this news being spread, their victory and joys were complete; but, on entering the room without much ceremony, they had the bitter mortification to find another man there. But finding Mr. Allen's trunk in the room, it gave new courage, and every room, hole, and corner of the house was carefully searched without effect, and such visitations were never before made through the town of Rutland, and runners flying in every direction. When they assembled in the afternoon, it was pronounced in a weak and stammering manner, h-e i-s g-o-n-e! and the countenance of the land thieves resembled the figure of Cain in the waxwork at the death of Abel. It fortunately happened, that Mr. Allen closed his business to his satisfaction on Sunday evening, and it being healthy for him to ride on horseback, he exchanged his trunk for saddle bags, and his business requiring haste he improved a pleasant evening and rode sixteen miles to Poultney, and spent Monday very agreeably with old friends, the Heroes of 1775, and after breakfasting at Mr. Crittenden's hotel proceeded on Tuesday on the turnpike road for Troy; considering the strength of the law conjurers of Vermont, on passing the line into the State of New York, like Samson's strength after his hair was cut, to be weak like other men.<sup>1</sup>

No documents found disclose that Allen saw any member of his family on this short visit to Vermont, except Heman. Thus the man whose untiring energy and great ability had secured the independence of Vermont, was obliged to flee from the State. He wrote, long afterwards, that when he left he had only 'fourteen dollars in his pocket.'

<sup>1</sup> Allen, *Olive Branch* (Philadelphia, July, 1807), p. 13.



## CHAPTER XXXIII

### THE CLAIM AGAINST BRITAIN, AND THE EDUCATION OF HIS SONS

1805

JANUARY found Allen in Philadelphia. Since returning from Vermont he had prepared a new publication of his capture under the title: 'Particulars of the Capture of the Ship Olive Branch . . . with an appendix . . . and a narrative of Colonel Ethan Allen's Captivity, . . . By Ira Allen of Vermont; the Claimant in this cause. Volume II. Philadelphia: Printed for the Author, 1805.' (8 vo, pp. xxx, 551.) In 1804, he had printed and distributed a few copies of the first three hundred and sixty-eight pages, and now printed the complete story.

Indomitable courage, optimism, and thoughtfulness for his family are pictured in a letter to his wife:

PHILADELPHIA, *January 16th*, 1805

DEAR JERUSAH

By the inclosed you will see the manner I am about to put 500 books in circulation. The chapter of contents is a short summary of the cause which with s<sup>d</sup> introduction will precede the work and draw attention. From different considerations and to wait events I have been apparently inactive in this city to this date. It is an object of much consequence and requires foresight and address to turn an enemy's weapons against themselves (see the affair of the sponging-house, etc., in page 157). I have thought proper to make this publication. I went to Washington to insure success. When I arrive there I shall take Lancaster in my way where the Legislature are in session and an impeachment of judges from which advantages will result to me. I have no doubt of final success, but you must have some patience. You will remember that from events I could not control I have been necessitated to leave Vermont and make use of such means as I can find to contend with much power and intrigues, yet I am not in the least discouraged. As to Vermont and everything therein must refer you to former opinions and in particular, the opinions given last October to Heman I see no reason to alter, but urge a firm adherence thereto. I have procured good accommodations for you and all my children in this city and mean to have an old French priest to teach them French who can also improve the boys in Latin. As soon as I have completed s<sup>d</sup> printing and obtain one thing useful,

I intend to send an express to you with some of the things alluded to, when I shall proceed to the south. I shall write you again soon.

Your friend

IRA ALLEN

MRS JERUSHA ALLEN

N.B. Should anything make it necessary to send letters to me, put them under seal to me and cover to Mrs. Margaret Standt, widow, Northern Liberties, corner of Vine and Third Streets, Philadelphia, State of Pennsylvania.<sup>1</sup>

Allen, through Heman, undertook to bring another action against Thorn, Bowne, and others in the New York courts, and Heman employed Abraham Van Vechten and Mr. Van Schoick, of Albany. He wrote them, January 25, from Colchester that he had been unable to make a settlement with Thorn at his home in Granville.<sup>2</sup>

On January 26, Allen wrote to James Madison, Secretary of State, enclosing with other papers a copy of the representations he had made to the Legislature of Vermont. He wrote that he proposed to forward a few copies of his last books to each State, 'that the State governments and general government of the United States might take proper measures to protect the flag of the United States, the dignity of its government and rights of individuals, guaranteed by Treaty.'<sup>3</sup>

Soon after, he went to Washington and presented the following memorial:

*To the President of the United States, the honorable the Senate and House of Representatives, convened in Washington; the memorial of Ira Allen, late of Colchester in Vermont, now of Philadelphia*

HUMBLY SHEWETH . . .

That in consequence of a scarcity of arms in Vermont, and after repeated legislative enquiries, and measures taken by the late Thomas Chittenden, esquire, governor of said state, to purchase arms to supply the militia of said state; and arms not being to be purchased in the United States, or borrowed from the government thereof, to supply the militia aforesaid; that in 1795 the late Thomas Chittenden, esquire, then governor of Vermont, gave written instructions under his signature, that of the secretary, and seal of state, to your memorialist, to purchase arms, for the supply of said militia, in Europe. Your memorialist proceeded to Great Britain, and enquired

<sup>1</sup> Vermont Historical Society, Montpelier, Vermont.

<sup>2</sup> New York Historical Society; also Wilbur Photostats, University of Vermont.

<sup>3</sup> Allen's *A Concise Summary, etc.* (Philadelphia, April, 1807), p. 17.

the price of arms and terms of purchase there, when he was informed that the price of arms was thirty two shillings sterling, per gun and bayonet, without any credit; he then proceeded to France, and in Paris completed a written contract with the then French minister at war, for twenty thousand stand of arms furnished with bayonets, and twenty four brass four pound field pieces, with utensils for their use; which contracts were more than fifty thousand dollars better in Paris, than the terms of purchase proposed in England, with the advantage of seven years credit, at five per cent interest, for four fifths of the purchase money. This contract in France, was equally consistent with the laws of nations and treaties, as if it had been made in England. The advantage in the contracts, determined the place of purchase.

Your memorialist further states, that on his way for New York, with a cargo of said cannon and arms, he was captured by an English seventy four gun ship, and carried to England, where a tedious litigation took place in the high court of admiralty; and notwithstanding the most unquestionable evidence was exhibited in every stage of the cause, supported by the executive, senators, and representatives of Vermont in Congress, executive of the United States at different periods, and ministers thereof in London; and though your memorialist often urged a final decision of his cause on the evidence and arguments before the court; yet the court of appeal restored the property on bail, and required further proofs on the part of your memorialist from France. This order necessitated your memorialist to consign his property to British merchants to procure them as bail, and to go to France for such proofs, where he experienced many evils, too lengthy to state, for which, and copies of proofs, he refers to the second volume of the book concerning the case of the Olive Branch.

That the capture and proceedings in the court of admiralty, are in many particulars, a violation of the laws of nations and treaty of 1794, and a flagrant insult on the government of the United States, in not respecting the interference of the executive thereof; and an insult on the government of Vermont, for the British government to attempt to deprive the militia thereof of military stores, because the state was bounded on British America, and because her sons were active in the revolution of the United States. And these assertions were the more extraordinary, because judge Marriott had in 1797 condemned said cargo, suggesting, that it was destined to arm the rebels of Ireland.

That continuing this cause near eight years, without one syllable of evidence in court in support of the captors until the bail (to whom your memorialist was necessitated to consign his cargo,) became bankrupts, and then to decide the cause in favor of your memorialist, on evidence that had been some years before the court, and on which the court declined to act until in 1804, is acknowledging the justice of the claim, without compensation for losses and injuries received.

Your memorialist therefore claims justice of the British govern-



ment for all his losses, both at home and abroad, and injuries that were in consequence of said capture, and detention in Europe; that in addition to justice under the laws of nations and treaty of 1794, a precedent has been established by the convention under said treaty in the United States, stipulating to pay British creditors, six hundred thousand pounds sterling, in consequence of legal obstructions to their collecting debts in the United States, until their debtors were bankrupts.

Your memorialist submits that his claims are much better founded, than that of said British creditors; for his capture and detention, has been by the immediate order of the British government, its courts, officers, or agents.

Your memorialist therefore solicits the interference of the government of the United States, to sequester the remaining two hundred thousand pounds sterling, payable to British merchants as aforesaid, that it may be paid over to your memorialist in compensation for the immense losses and evils experienced, in consequence of the capture aforesaid, or take such other measures, as may be most consistent with the wisdom of government to obtain justice for your memorialist of the British government.

Your memorialist, &c.

IRA ALLEN

PHILADELPHIA, Feb. 22, 1805

Regarding the two hundred thousand pounds requested in his memorial, he wrote:

Should this sum be thought too much, or rather too little for the injuries and losses sustained, the claimant has to observe, that no sum of money could have induced him to have voluntarily engaged to experience the persecutions he has, for more than *ten* years past. . . . To these considerations, may be added, the hazard of life, and loss of health, by repeated imprisonments the result of the illegal capture aforesaid. And although this sum cannot be considered a compensation (or even any other sum) for personal injuries to the claimant and his family . . . yet it is a compensation, that under all considerations would be honourable for a great Mercantile Nation to make and honourable to receive, and would place the claimant and his family in about as easy circumstances as they would probably have been in (had not said capture and the misfortunes resulting therefrom intervened) which they are entitled to after such severe trials, and the more so, when it is considered, that after more than ten years persecution and repeated imprisonments, not the least evidence has ever been produced against the claimant in Great Britain, France, or the United States.<sup>1</sup>

On March 10, Madison wrote to Monroe:

The condemnation of the Cargo of the Olive Branch, having been reversed, General Allen finds himself in the situation pointed out

<sup>1</sup> Allen's *Concise Summary*, p. 16.

at the close of my last letter, of the 13th, December 1803, of having gained no more by his Judicial pursuit, than an abstract decision of the illegality of the capture: For Messrs Bird, Savage and Bird of London . . . have failed after having obtained possession of [his cargo as security for bail] and sold it, General Allen has therefore requested, that instructions may be sent to you, for applying to the British Government to make up his loss, consisting not only of that which results directly from the deprivation of the Cargo, but also from the confusion and Sacrifices of his private affairs, brought upon him by the stoppage of it. The latter part of the injury, he states to be Considerable; and though it does not admit of a precise liquidation, yet no compensation can be viewed as liberal or even just, which does not embrace a consideration of it. In committing to your care the solicitations of the justice due to him, I must again refer you to the source of information, pointed out in my letter of the 13th of December 1803, for such of the details of the Cause, as will give it the best impression for attaining the object. It may be added, that upwards of seven years have elapsed since the condemnation by the Court, of Admiralty, since which time, until its reversal, the matter has lingered before the Court of Appeal, notwithstanding the utmost efforts of General Allen, as he informs me, to have a decision, which was finally made, as he states, upon the evidence which had been some years before the Court of Admiralty. Had not the very uncommon delay taken place, the failure of Bird, Savage and Bird, might not have deprived him of the effects of the acquittal, which it is considered ought to have taken place at a very early day, considering the Clearness of the Cause, the absence of evidence, and even of plausible presumption of an unfavourable tendency, and the official as well as respectable private interposition of the opinion, that the destination of the cargo, was not only free from any just imputation of a purpose hostile to Great Britain, but was for the necessary and laudable one of supplying the militia of Vermont, and the neighboring districts of the United States, with military implements.\*

The 22d Article of the Treaty of 1794, between Great Britain and the United States, stipulates that neither of the contracting parties will authorize reprisals or sequestration until application is made for compensation and refused or unreasonably delayed.

The Senate referred Allen's memorial to Secretary Madison, who reported as follows:

THE Secretary of State, to whom was referred on the 11th instant, the memorial of Ira Allen, has the honor to make the following report to the Senate.

That the executive of the United States, with a view to promote

\* Department of State, Secretary's Office, Washington, D.C.

the justice claimed by the memorialist, has heretofore interposed in his behalf with the British government; but that a decree of restitution of the captured property was not pronounced by the court of appeals, until the month of February, 1804, though the capture was made towards the close of the year 1796; that it appears, that in this interval, the sureties of the memorialist on the return of the arms, and to whom he mortgaged and was compelled to deliver them as a counter security, failed, after having sold them; whereby the memorialist is deprived of the effect of the sentence of the restitution. That on the application of the memorialist, his case was again recommended to the attention of the minister of the United States, in London, by a letter from the department of state, dated on the 15th March, 1805, in order that due compensation for the loss might be sought from the British government, so far as the circumstances of the case (some of which are very peculiar,) rendered them responsible; but owing probably to the absence of that minister in Spain, and to other occurrences of a more pressing nature since his return, he has not reported any proceedings under those instructions.

All which is respectfully submitted.

(Signed)

JAMES MADISON

DEPARTMENT OF STATE  
17th April, 1806

Allen secured a sworn statement of the Register of the United States Treasury that the United States paid thirteen dollars and forty cents each, during the years 1798 and 1799, for 'Muskets with bayonet and ramrods,' and that the United States paid ten dollars and four cents each for arms imported from London. This was witnessed and attested by Albert Gallatin, Secretary of the Treasury. The Governor of Pennsylvania gave his affidavit that he had paid thirteen dollars and thirty-three cents apiece for ten thousand nine hundred stand of arms in 1798-99.

Notwithstanding his loss of property on Lake Champlain, Allen was still interested in a ship canal connecting that lake with the St. Lawrence. He had an interview, on March 26, with Anthony Merry, the British Minister, discussing the details of construction and the advantages that would accrue to Canada, Vermont, and New York. He took the opportunity to state some facts regarding his claim against England for the detention of his arms.

Heman Allen, now twenty-six years old, displayed marked ability in handling his uncle's affairs. Their early and close relationship prepared him for his present duties. Hathaway,



always in difficulties, to help himself at this time appeared to be working in harmony with Heman. In the settlement between Hathaway and Hull he had given Hull a demand note for six thousand dollars.<sup>1</sup> In March, Heman went to Boston, met Hull, obtained the note, and in exchange gave him sixteen rights for land in the township of Sheffield. Graham had taken these as part of his share of the land when Hull deeded Allen's land to Hathaway, and Hull would not accept them until Hathaway bought them from Graham. This note was the cause of a criminal suit between Heman Allen and Hathaway in 1820 to 1823. Hathaway, in jail,<sup>2</sup> escaped, and, although Heman was at the time United States Marshal for Vermont, was successful in having him indicted by false witnesses. Heman was entirely exonerated on every count brought against him. At the time Hull assigned the note to Heman, he assigned to him all his claims against Hathaway and in addition paid him a sum of money. Heman, in consideration of his doing this, agreed to have all suits in Vermont against Hull dismissed. Hull and Hathaway had disagreed, as thieves usually do. Hathaway, previous to this, had deeded more than twelve thousand acres in Swanton, but he was now in jail in Burlington, where he remained for some time. Heman was in constant communication with Van Vechten regarding Allen's suit against Thorn and others, but it was postponed for several years. Thorn's defense was that Allen had not included his claim against him in his statement before the bankruptcy commissioners.<sup>3</sup>

As the University of Vermont was now under the control of his political enemies, Allen preferred to send his sons to the college at Middlebury. On April 11, he wrote to his old associate, now President of Middlebury College:

GAMALIEL PAINTER ESQ. AND LADY:

Herewith I commit to your care my two sons, Ira and Zimri, whom I intend shall receive an education at Middlebury College — and while I return my acknowledgements for your Kindness in consenting to take them into your family, I hope that you will not consider them as mere boarders, but as under your immediate care and protection subject to your commands, & particularly that they be enjoined to

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 3093, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 4696.

<sup>3</sup> *Van Vechten Letters*, New York Historical Society.

pay strict attention to their studies, that they be refrained from keeping bad company, from being out late nights and such other vices as boys of their ages are liable to fall into, that they attend public worship and all other regulations thought best — I have enjoined all this upon them myself, and prepared their minds for the reception of any advice from you — Ira is attentive to his books. Zimri's disposition I esteem to be equally good, and who is a boy of genius, but from some cause or other, has not that relish for study that the other has. I have hopes however that he will improve. Please to write me concerning them as often as necessary, and you will confer a particular obligation on

Yours with esteem <sup>1</sup>

The boys' impressions are thus expressed:

MIDDLEBURY COLLEGE

July 13th 1805

SIR,

The same old saying now to be continued, that is, there is more and more wanting. Money alas! has fled from our board and we have none to help our selves with. Yet it has not gone unnecessarily. The place that we board at I do not like. And for this reason. They have a great many hired men and they generally must have their victuals first which makes it after study hours before we can get to the College, which makes it inconvenient getting our lessons. Often when we go to breckfast we are hindered till after eight and we generally go before seven; and there is often as much time lost at dinner. So much time lost puts us back much in our studys. These things considered I think it would be much better for us to board nearer College. I think its likely that Granpapa may think its better for us to board there on account of having to walk further. But we generally walk out in the evening chusing the day for studying. My eyes have got to be so weak lately that it is with great difficulty that I am able to keep up with my class and have nearly lost all hopes of ever being able to go through College. If I do not go through I think I might attain a midling education (and better than some of the seignior class have) by going in to a store where there is books or having the books that are studyed in College and be in any store where there is not so much business done that I could have any leazure time. I sent for one yard of cloth, but have not received any so that I have to wear one pair of pantaloons all the time. Such is my present situation. We have long looked for ma, ma, but in vain the fates appear to have decreed that we shall not see her this quarter. Zimri has now recovered his health but has got a habit of laying on the bed a considerable in which he spends much time he has however got 30 lines in Virgil.

Adieu.

IRA H. ALLEN

<sup>1</sup> The draft of this letter is in the Vermont Historical Society. It is written as coming from Colchester, though Allen then was in Philadelphia.

MR. HEMAN ALLEN

The tutor thinks fit for my class to go into Delphin Virgil and I have got one that the owner will sell for one Dollar which is considered very cheap. Zimri like wise wants a new hat, or if you think best we can get our hats made for two Dollars each.

One thing more, I have [to] study with my old specticle as yet, but have now found one that suits me but have not anything to pay for them. I sold the new ones I brought with me.

Zimri wrote to Heman Allen on September 22:

I received your letter of the 19th ult. and was happy when I red the contense. Wee saw in the letter no money which you mentioned and thought for a long time that it had been taken out but going to the Post Office wee found another letter, which appeared to have been written by Mr. Fay there wee found thee bills which you mentioned in your letter. Wee have bought two Cicerows and air abought out of money and should bee verry glad of some. I am your Truly

ZIMRI A. ALLEN <sup>1</sup>

The boys wrote to Heman, as he was now the head of the family in Vermont. Allen had despaired of obtaining any justice in Vermont and was directing his efforts to regain his property there through Heman and to retain the interest of the Federal Government in his fight for damages against Great Britain.

<sup>1</sup> Matt D. Jones Collection, Newton, Massachusetts.



## CHAPTER XXXIV

### THE CLAIM AGAINST BRITAIN; THE ACTION OF VERMONT

1806

ALLEN continued his efforts to revive interest in the ship canal, and wrote many letters regarding it. On July 4, he addressed a circular

To the Citizens of Vermont, and inhabitants on the West Side of Lake Champlain in the State of New York. . . .<sup>1</sup> The principal object of this address is to call your attention to the subject of commerce, connected with a ship canal . . . I introduced this subject to General Haldimand in 1784 . . . in 1785 Captain Twist engineer of the Province of Quebec . . . made a survey and reported in favour of a ship canal, sufficient for ships of 200 tons.

Allen pointed out that the building of the canal would tend to keep peace between Great Britain and the United States for commercial reasons. As to exporting,

I believe it will be granted by Mercantile men, that every bushel of wheat exported from Burlington bay, through said canal, would be worth two shillings and six pence more than it now is, on account of the land communication to Troy. If this fact be true (in whole or part), then every other article of produce for exportation would be enhanced in proportional value. Imports of salt, fish and other goods would be cheaper; hence the value of lands would rise.

It was a sound argument displaying thorough knowledge of the subject.<sup>2</sup>

At the same time Allen sent circulars to the Governors of each of the United States as well as the Governors of Upper and Lower Canada and Nova Scotia, enclosing a pamphlet of fifteen pages which he entitled 'A Concise Summary of the Second Volume of the Olive Branch. Philadelphia: Printed and sold by Thomas Stiles.' He was determined that all public officials should know of his treatment by the British Government.

<sup>1</sup> Allen's *Concise Summary, etc.*, p. 13.

<sup>2</sup> The people of the Middle West are to-day using this same argument to obtain a ship canal from the Great Lakes by way of the St. Lawrence, and a Government commission has [1926] reported in favor of the St. Lawrence route.

That the British might know of these efforts, he addressed a letter, on July 25, to the British Minister, advising him of the above and added,

Injured innocence will appeal to Heaven, and the man of sense on earth; a man of spirit and sensibility will not tamely consent to be deprived of his character and property, how ever great the power may be, against which he is obliged in his own defence to contend.

Allen could not tamely submit to injustice, as he had, in fierce struggles since nineteen years old, never ceased fighting in any engagement until he had won.

He wrote enclosing all the books, circulars, etc., to Thomas, Lord Erskine, who had been his counsel before the Court of Appeals and who was now Lord High Chancellor of England. A similar letter, with enclosures, he sent to the Speaker of the House of Commons. Thus his cause became known both here and abroad, and it is reasonable to assume that it influenced the American people to some extent, in a belief that neither justice nor fair dealing was to be expected from England.

In Vermont, Heman was riding back and forth through the State in efforts to save land here and there.

A letter from Mrs. Allen to her sons Ira and Zimri at Middlebury College discloses some of the conditions at home.

COLCHESTER, *July 1, 1806*

DEAR IRA AND ZIMRI:

You must not think that I can write you a letter every week. [Middlebury is thirty-five miles from Colchester.] My time was taken up with company, we had your Uncle Pascal here and Miss Porter, sister to Judge Pains wife of Williamston and I have so many things to take up my time, that [I] cannot write so often as I would be glad to, I want to know what you do with your money; week before last I sent you two dollars which was all the money I had and have had none sence, Heman has been at home once sence I wrote you last but he had no money, he is now gone again and I do not expect him until next week Saterdag. [I have] been and borrowed ten dollars for you which with what I sent [?] the other day that is week before last makes 42 dollars that you have had since you left home in the spring. My dear boys, there is nothing in my power that is consistant with reason and your happiness that I shall not do with the greatest satisfaction, but we now find a great many difficulties to incounter but I am not without hopes of seeing better days although I make no dependence upon it, noing that disapointments are more likely to fall to our lot than any thing else. the money that I now send you I wish you to pay the Doctor and your bord at Mr. Goodridge, and wait

with patience untill you can have more, but not think of running home because you cannot have every wish gratified the very moment you want it, I should be very much offended to have you come home for such an arrant as that, you ought to submit chearfully to your fate when you know we are doing everything in our power for you — you inform me Iras eyes are worse which distresses me very much. I should think he had better tarry until commencement and not studdy much but have his tutor read to him. Write often and let me know if thare is any alteration in this. Our garden is a most excellent one we had the first mess of green pease the 25 of June — the plum trees — fuller than I ever saw them, they will be ripe when you return after commencement as to sammon thare has been but [one?] caught this spring or summer and that was taken by Mr. Ames. We have a barrel of shad, I sent you one pare of soks last week which you make no mention of receiving and next week I shall send you another pare and some neckcloths. I talk some of going to Swanton to-morrow in the stage. If I do I shall not return until one[?] week.

This letter may have led the sons to believe their father, in some way, was to blame for their straitened circumstances. The reason of his long absence from home was not clear to them, and to be told that, if their father returned to Vermont, he would be put in jail, only complicated the situation in their young minds. After commencement, young Ira went to work in a store at Swanton Falls and it was a hard apprenticeship. He wrote, October 28, to Zimri, who was still at Middlebury: 'Not one person have I seen anywhere near my age of any respectability.'

The annual meeting of the Legislature took place at Middlebury, October 9. Isaac Tichenor was again elected Governor. The Federalists were in the minority, but Tichenor, a shrewd politician, had, by making a concession to the Republicans, managed to retain his office. W. C. Harrington was a member from Burlington and took an active part in the proceedings. Jonathan Robinson was again elected Chief Justice of the Supreme Court. Allen had presented a memorial in 1804, and it had been referred to the next session. It was not considered in 1805, but was taken up during the 1806 session. It recited his act of buying arms for the Vermont militia and his great loss in consequence thereof, 'suggesting to the Legislature the propriety of the interference of the Government of this State, in order to obtain redress from the government of Great Britain.' The committee of three to whom it had been referred made report



that they do not find that either the constitution or any law of this State invested power in the late Governor Chittenden to authorize the said Ira Allen to make any contract for arms, that would be binding on this state; that therefore this State cannot be considered as responsible for the fulfillment of the contract mentioned by the memorialist. Should the legislature however interpose their aid in favor of the object of the memorialist, it would be justly construed into an act acknowledging his agency and making the State accountable for the payment of the arms purchased, and the prospect of success in obtaining redress for the memorialist, is, in the opinion of the committee, too precarious to warrant such a procedure; and that the memorial ought to be dismissed.

Thus the memorial was dismissed. The mention of possible liability to the State was sufficient to cause the report's acceptance. It undoubtedly was drawn by Tichenor or Harrington; it is a lawyer's, not a layman's, composition. Allen, not knowing that his memorial of 1804 would be acted on at this session, sent another, which was presented, October 15. With this memorial, which was very similar to the one just acted upon, were sent copies of his letters to the Governors and others as before mentioned, together with extracts from his 'History of Vermont.' The memorial and all papers accompanying it were read 'and ordered to lie on the table.'<sup>1</sup> No further action was taken on it at this session.

General Barton petitioned the Legislature to legalize his vendue sale [by the sheriff] of Allen's rights in the town of Barton, on the ground that Allen had not paid taxes or redeemed his right. This had been considered at two or three previous sessions and he was taking advantage of Allen's absence. Samuel Hitchcock, Oringe Smith, G. Painter, and others testified that Allen had redeemed his rights, giving dates of payment. Barton, a Revolutionary soldier, was soon after put in jail for a small debt and remained there for many years until Lafayette came through Vermont in 1825 and set him at liberty by paying his indebtedness. Silas Hathaway sent a petition, 'that through a series of misfortunes, his property is much encumbered, and he has for two years been confined in gaol and prays the general assembly to pass an act to liberate him from gaol and free his person from arrest in civil suits for a term of seven years.' A committee reported that this 'ought not to be granted,' and leave was given to withdraw same.

<sup>1</sup> *Vermont Journal*, 1806, p. 88.

Childs, who had represented Bird, Savage and Bird in Vermont, and who, associated with Bowne, had caused Ira Allen much trouble and expense, had located in Vermont. It will be remembered that Bird assigned a cargo to Childs just before the firm failed, and he had assigned to Bowne. Creditors had attacked this assignment and the court had decided Bird was bankrupt when he drew up the assignment and ordered seven hundred and fifty pounds, part of the money received for the cargo, to be paid to the assignee. Bowne wrote Mitchell, November 29, requesting him to obtain a settlement with Childs. This was another combination against Allen which did not prosper. Those who despoiled him of his property are known to have met a well-deserved fate.

Allen again addressed a memorial to the Senate and House of Representatives of the United States on December 27, in which he stated,

that if pending negotiations renders it improper at the present time [the United States was on the verge of war with England] to sequester British property . . . in the United States to that amount, [two hundred thousand pounds] . . . your memorialist is entitled to receive that sum from the government of the United States.

For the following reasons:

- 1<sup>st</sup> Not one syllable of evidence [was] ever produced in England France or the United States against him. The part he and his brother took to establish Vermont and for the independence of the United States, caused these persecutions.
- 2<sup>nd</sup> Because the cargo was military stores to supply the Militia of a frontier State that had been 'threatened with invasion by British troops.'
- 3<sup>rd</sup> The British government have violated the treaty of 1794 '... which . . . gives a right . . . by said treaty to confiscate British property.'
- 4<sup>th</sup> Because the . . . United States ought to protect . . . its Citizens.
- 5<sup>th</sup> Because your memorialist has no other legal remedy for justice. Your memorialist submits, that he is willing to receive three quarters of said sum, in New lands of the National Domain, in the Western Country, and one quarter in money, and as he has been separated from his family most of the time, for more than ten years, he wishes to provide for and bring them to this City; Your memorialist, therefore solicits the advance of fifty thousand dollars.

Could anything be more pathetic than this strong man, thirty years after the Battle of Bennington, which could not

have been fought but for his aid and which decided Burgoyne's fate, appealing to the Government for fifty thousand dollars that he might have his family with him? Appeals to republics are, usually, in vain; the national memory is a short one and Allen's memorial met the usual fate.



## CHAPTER XXXV

### APPEALS THROUGH THE PRINTING-PRESS

1807

ALLEN's memorial to the Senate and House of Representatives, dated December 27, was referred to a committee of the Senate, and, on February 23, he addressed George Clinton,<sup>1</sup> now Vice-President of the United States and the Senate's presiding officer. Would Clinton favor his old enemy, who fought hard, but fair, or would he take advantage of his position and revenge himself upon the man who had defeated his efforts to annex Vermont to New York? It was unfortunate for Allen that he found from 1797 to 1807 so many of his old political enemies in positions of power, but his battles were always with the strong. To Clinton's credit be it noted that there is evidence of his favor in Allen's behalf.

While he was striving to have Congress pay his losses or give him British money held by this Government, Heman, in Vermont, was still recovering property lost there. He was elected town clerk in Colchester and held the office for ten years. Zimri had left Middlebury and in the fall entered the University of Vermont, and Ira H. was still in the store at Swanton. In a letter to Zimri on February 15, he wrote: 'Ethan [Ethan Allen's son] has been appointed a Lieutenant and stationed at Tennessee.' Ethan had been sent to West Point. Ira H. complained that his mother did not write to him and that he was lonesome. In another letter of November 26, addressed to Zimri at the university, he wrote, 'War's dreadful clarion sounds alarm once more.'<sup>2</sup>

Allen was preparing and printing new pamphlets bearing on his case. In April, he printed, in Philadelphia, 'A Concise Summary of the Second Volume of the Olive Branch . . . with

<sup>1</sup> George Clinton (1739-1812). Studied law. From 1768 sat in New York Assembly. In 1775 sent as Delegate to Second Continental Congress. In 1776 was appointed general of militia serving against Sir Henry Clinton on the Hudson. In 1777 was chosen first Governor of New York. Relected from 1780 to 1795 and in 1801. First conception of Erie Canal due to him. Vice-President of the United States, 1804 to 1812.

<sup>2</sup> Vermont Historical Society.

other documents and letters to men of great respectability in Europe and America.' The verso contains the following:

The Reader is informed, that the seven first chapters of the Second Volume of the Olive Branch, contain the substance of the first volume published in London, in 1798, (which was the first case ever reported in England on Admiralty causes) so that this volume, in about 600 pages in small type, will show a case proper for the attention of the citizens of the United States, and Neutral Nations.

The first fifteen pages are a copy of the pamphlet printed in 1806 and contain nine additional pages. At the end is the following:

The public is informed, that Allen's History of Vermont, published in London, in 1798, will be revised and corrected by the author, and printed; to which will be annexed a large map, showing the Atlantic Ocean to the East, Quebec to the North, Lake Ontario to the West, Albany to the South, with part of the adjacent country — That near 100 pages will be printed and subjoined to the Olive Branch, when both books will be bound and offered for sale, in different parts of the United States.

Neither volume was ever printed except in the form of pamphlets of different portions, which he decided to issue from time to time and which, when combined and finally completed, would form a volume of about six hundred pages.

On July 18, he had printed in Philadelphia a pamphlet of sixteen pages, 'Statements applicable to the Cause of the Olive Branch.' The statements were 'submitted for the Consideration of the Government and Ministers of Great Britain . . . The Government and Ministers of France, and the Government and People of the United States.' The first ten pages were a reprint of a pamphlet issued in August, 1806, of eight pages. On the last page he printed a letter:

*To the Subjects of Great Britain in British America*

GENTLEMEN: In the course of events, I have repeatedly been a successful peace maker between you and the people of the United States, as will appear by a letter from the Honorable Justus Sherwood of Upper Canada to me, dated in 1794. . . .

AUGUSTA [CANADA], *February 28th, 1794*

SIR, I have to acknowledge your favour of the 11th instant, by Mr. Henderson. The friendship that subsisted between us when young, and the official intercourse conducted with probity and candour on both sides, during the last years of the late war, leaves impressions on my mind repugnant to the most distant wish for hostility; and nothing shall be wanting that I can do consistent with my duty to my

King and country, to promote and render permanent that friendship which has so long subsisted between Canada and Vermont: for which purpose I think we should cautiously avoid all kinds of inflammatory reflections, in writing, print, or conversation. I am attached to the government and the form of government which I have the happiness to live under, from a full conviction of the permanent and ample security it affords to persons and property, and the blessings it diffuses on society. The republican is attached to his form of government, from Motives equally forcible to him. How vain, how ungenerous, how impolitic then is it to diffuse, through the Medium of the press, or otherwise, reflections which cannot fail to give pain and disgust to a subject or Citizen possessed of probity and principles, or to sow dissension among the ignorant and unprincipled. I sincerely hope the prospect of a war between Great Britain and America is distant, very distant. But should such an unhappy event take place, I am fully of your opinion, that it would be for the mutual interest and safety of Canada and Vermont, to establish an unequivocal friendly union, which I have no doubt may be easily effected.

I am with much esteem, Sir

Your most obedient humble servant,

JUSTUS SHERWOOD

GENL. IRA ALLEN

He then refers to the McLane affair of 1797, calls attention to the small number of people concerned, and remarks that the British

have nothing to fear from such parties. But, should any event produce a war between the respective nations, which would undoubtedly be injurious to both, I have to recommend to the militia on both sides of the lines, the principles established in 1794, that no scouting or plundering parties should be permitted, by order of the militia, to pass the lines of the respective nations, to injure the defenseless inhabitants on either side, but to submit to the war as directed by the respective nations. Let us again review the situation of British America, and see if a powerful influence cannot be raised to avert the calamities of a war, before fully commenced. First the great body of people in British America have no inducement, spiritedly to engage in a war against the United States, because all the United States would require of them (in case of war) would be to become Citizens of the United States, when their religious and civil liberties would be protected as the citizens of the United States are. Who then would be interested in the war, but British troops, British agents, pensioners and half pay officers, who with the Hudson's bay company, North-West Companies, Merchants and other local interests, might have a very considerable influence in preventing war, if proper measures were pursued by them with the government at home, and there can be no doubt of their interest in opposing a war.

When we view the United States, comparatively speaking, six times as strong at this time as they were in 1775, and Great Britain much reduced by wars, immense debts, loss of commerce, involved in mighty wars, and have to transport their troops three thousand miles to invade the United States. That British America is easy of access by land, there can be no doubt but British America would,



soon after the commencement of a war, form several States in the Federal Union.

Allen called attention to his 'Address to the people contiguous to Lake Champlain on the subject of the ship canal.' Thus, in Philadelphia, he was doing all he could to avert the war that he felt was coming. Many men, treated by England as he had been, would have urged the country on to war; there was at least as good a chance for him to realize on his claim against England when peace was declared, for he did not doubt that the outcome would be victory.

As soon as these pamphlets were received from the printer, he, on July 29, wrote to 'His Excellency David M. Erskine, Esq., Minister of Great Britain to the United States.'

I enclose to you a summary of the Olive Branch, and three pamphlets, containing statements applicable to the case of the Olive Branch, addressed to the government and ministers of Great Britain, France, and the United States, to which I invite your excellency's attention and that of the British Government, and am persuaded that liberal compensation being made to me, would be as honorable and interesting to government as to the claimant, and might lay a basis for reconciling misunderstandings; as this can not be considered a common mercantile cargo, merely for profit, but it affects a numerous circle of military men in the interior of the United States.

The Assembly of Vermont met at Woodstock, October 8. The election that preceded was spirited. The Federalists' power was waning. United States Senator Israel Smith was elected Governor, defeating Isaac Tichenor. When the election for Senator, to fill the vacancy caused by Smith's election, came up in the Assembly, that body outvoted the Council, who nominated Jonas Galusha and elected Jonathan Robinson, of Bennington. This placed Allen's old enemy in a position to defeat his efforts to interest the United States Senate in his behalf. Jonathan Spafford, who came into Vermont in 1772, with Thomas Chittenden, and who had been favored many times by Allen, but who had charged Allen two thousand dollars for signing his bail bond in the Childs suit, was now in difficulty himself and petitioned the Assembly to 'pass an act to liberate him from imprisonment and suspend all civil process against him for five years.' He stated, that 'by a series of misfortunes, such as losses in trade, losses in titles to lands and losses as bail for other persons [he used to charge all he

could get for going on bail bonds] he has been reduced from a state of affluence to poverty, and has now been confined in goal at Burlington for almost two years.' The petition was unavailing and was dismissed.

Sundry inhabitants of Shelburn township petitioned to have a division of the town authorized, 'as General Allen, who claims to own most of it, refuses to turn proprietors' records over and make division.' This was referred to the next session. Hathaway and associates could do little with these lands until this division was made.

The militia was still short of arms, but an act authorizing the purchase of 'two thousand stand of arms' was defeated by a vote of eighty-four to seventy-six. Both Nathaniel and Darius Chipman voted against the purchase.

Abel Spencer who, through Federalist influence, had been elected at one time Speaker of the House, which made him a trustee of the university, and who had served as State's Attorney, was now expelled from the House for stealing money out of the pockets of two members. He was arrested, but escaped.

On December 22, Allen again wrote to James Madison calling his attention to the capture of the ship *Olive Branch*, which was in violation of the Treaty of 1794.

The proceedings . . . in the high Court of Admiralty, are further violations and insults on the government of the United States, and that of Vermont, for it is, in fact, attempting to control the arming of the militia of that State, because it was bounding on British America. . . . That the British Government are accountable to the claimant, for all the injuries, losses, damages, and expenses, both in Europe and the United States, that were the result of such illegal capture and delay of justice, is fully confirmed by the final decree of the Court of Admiralty on the 22nd of February 1804. . . . The claimant solicits the Legislature of the United States, to take this case into consideration; in particular his memorials to the Senate of the United States, of February, 1805, and of December, 1806.

Allen enclosed a copy of his letter to Lord Erskine of July 29, and wrote, 'expect that will be the last I shall write, on that subject, to any officer of the British Government.'

It was on this December 22, that the embargo act, 'an inhibition of the departure of our vessels from the ports of the United States,' became a law. It was most unfortunate for

Allen that from 1801 the Government at Washington was making every effort with the French and Spanish Governments to delay the final transfer of Louisiana to France, and to block any colonization scheme of Napoleon. The final outcome was the purchase of the territory by the United States from France. Great Britain had done all in her power to prevent this, and the relations between the two nations changed when Jefferson became President, although Rufus King remained our Minister at London until 1803. During 1807 the diplomatic relations became very much strained, and, though the British saw war looming, they made no concessions and took no measures to avoid it. This state of affairs counted heavily against Allen's claim, but he was powerless to change it for the better. His efforts to show the British that he had always been a peacemaker between the United States and Canada were exerted to convince them that a policy of justice would prevent a war.

Considering his great disadvantages, Allen accomplished much this year. He had paid, through Heman, to the University of Vermont ten thousand dollars in cash in full of his subscription of four thousand pounds. A pound in Vermont was figured at \$3.33. This in itself was a great achievement under all the circumstances. He directed most of the important actions taken by Heman during the year and published his pamphlets in the hope of securing redress from the Senate of the United States; but now Jonathan Robinson was coming to that body from Vermont and was to defeat Allen's every effort there.



## CHAPTER XXXVI

### THE CLAIM AND THE UNITED STATES

1808

THE United States this year suspended diplomatic relations with Great Britain. Allen's experience there and the great publicity given his case by his several publications and newspaper articles contributed to influence public sentiment.

In Washington, on February 1, Allen wrote to President Jefferson and was invited to an interview the following day, when it was agreed by the President that he should submit his papers to Attorney-General Cæsar A. Rodney, who was to give his opinion to the President on the justice of Allen's claim. Rodney was at once furnished with the evidence, which required a trunk to hold it, and which by its volume must have staggered the Attorney-General, considering his duties at this period. Jefferson was completing his second term and would retire on March 4, 1809. Allen had found him sympathetic to his cause and was anxious to push his case before his administration expired. The matter did not move fast enough, and Allen, waiting in Washington, addressed the Attorney-General on March 18, requesting the opinion and giving his reasons. No answer being received, on March 23 he called at Rodney's office. Not finding him, he wrote:

I called this morning to see you and was informed that you was gone to Wilmington,<sup>1</sup> where I hope you will soon have time deliberately to read and form your opinion on the original evidence, documents, and printed case of the Olive Branch, which I have submitted to you, by the advice of the President . . . for the following reasons:

First — Because the captors council and Court of Admiralty have attempted to impeach my character, without any evidence or foundation for such procedure.

Second — Because your opinion, on duplicates of original and legal evidence exhibited before the court, with the arguments of council thereon, will be the greatest vindication of my character, in my power to obtain, or the nature of the case will admit.

Third — Because such vindication is a justice due to me, and the

<sup>1</sup> Rodney came originally from Delaware and spent part of his time at his home in Wilmington.

Allen family, for the part said family took in establishing the independence of the United States, in the Revolution thereof.

Fourth — Because the evils I have experienced in Europe, sacrifices of property there and in the United States, are the result of prejudices raised against said Family for the part they took for the Independence of the United States and that of Vermont.

Fifth — Because it is reasonable, that after the last survivor of an oppressed Family has been more than eleven years applying to the Government of the United States for the redress of injuries, where intrigues have swept away extensive fortunes, not only mine, but the property of the fatherless and widow, and none but myself that knows the grounds of supporting these claims, renders it the more reasonable that speedy attention should be paid to these matters.

P.S. The papers and first volume of the *Olive Branch*, printed in London,<sup>1</sup> will be of much consequence to me in other objects, and being originals cannot be replaced. I must therefore request you to keep these papers in your own hands, until I receive them, to prevent any possibility of their being mislaid or lost.<sup>2</sup>

To keep his cause before the highest Government officials during this time, he wrote several letters to them; in one, dated May 2, to James Madison, he states, 'The report of the Attorney-General [on my cause] which, if not made, may be soon expected, as he has had [it] for three months under consideration.' Allen was so sure the opinion would be favorable, he was already planning the action the Secretary of State should take. Whether it was because Madison did not reply to this letter, and Allen was naturally impatient, or for the purpose of creating outside interest he, on May 20, published in the *Aurora*, a Philadelphia newspaper, his letter to James Madison, dated Philadelphia, December 22, 1807, calling his attention to his former memorials to Congress, and also his letter to David M. Erskine, at that time British Minister to the United States, dated July 29, 1807, asking for compensation. At the end of these two printed letters appears the following:

As the military stores mentioned in the preceeding letters were purchased by public and legal authority, to supply the militia of an important frontier of the United States, that had just before been, and now is threatened with invasion by British troops, the printers of the United States are requested to publish the preceeding in their

<sup>1</sup> Only three copies have been located in the United States.

<sup>2</sup> Allen's *Copies of Letters to the Governor of Vermont* (Philadelphia, January, 1810), p. 22.

useful papers, for the information of the military men, and people of these states.

IRA ALLEN

WASHINGTON May 9, 1808<sup>1</sup>

Allen remained in Washington until Rodney had written his opinion. Early in August, he learned it was favorable, and Rodney returned all the records to him. He at once started for Philadelphia; on the way an attempt was made to steal his trunk from the rear of the stage. It was discovered and the person who attempted it was arrested and lodged in jail in Maryland.<sup>2</sup>

In a letter to President Jefferson, dated Philadelphia, August 15, he writes:

I have had an interview with Mr. Rodney on the subject of his opinion . . . which he informs me is in my favour, but that he can not give me a copy without your permission. This cause has grown out of the events of National Revolutions, which removes it from a private capture to that of a national cause, and makes it peculiarly hard on the sufferers, which has necessitated me to solicit the Aid of the Government. The opinion of the Attorney General would lay a basis to obtain essential documents from Vermont, which I shall lay before you in October next, before sending an agent to England.

No reply to this letter being received, Allen went to Wilmington to see Rodney, and from there he wrote, on August 26, to the President:

I enclose a duplicate of my letter of the 15th inst., presuming that by some accident it has not been delivered. Mr. Rodney has made out his opinion, which I consider very honorable and interesting for me to have, independent from any compensation from the British Government, and very essential to obtain that justice which the merits of the cause, and services of the Allen family in establishing the Independence of the United States, and that of Vermont, entitles them to. I do therefore most earnestly solicit your permission for Mr. Rodney to furnish me with a copy of his opinion.

On September 8, Allen received by post in Philadelphia a copy of Rodney's opinion signed by him. It begins:

The case of General Allen merited, and has received mature consideration. His situation is peculiarly hard and distressing. If, agreeable to the acknowledged principles of the laws of nations, he is entitled to redress, the special interference of the Government of

<sup>1</sup> Allen's *Address to Freemen of Vermont* (1808), p. 27.

<sup>2</sup> Allen's *Copies of Letters* (Philadelphia, 1811), p. 43.



the United States will not only be proper, but is an act of real justice due to an injured individual.

His opinion then recites all the facts up to the time the case went to the Court of Appeals.

The reasons assigned for reversing the decree of Judge Marriott, by the Councils for the claimant were the following:

Because there could be no doubt upon the original evidence that the Cargo, was bonafide the property of the Claimant, and was at the time of the capture really bound for New York, destined for the use of the militia of the State of Vermont.

Because the further proofs afterwards exhibited in the cause, by order of the Judge of the Court of Admiralty, (if such order was justifiable) completely removed every doubt that could be suggested on the original evidence.

Because the Allegation brought in (if the order for Plea and Proof can be supported) was perfectly admissible.

THOMAS ERSKINE  
JOHN NICHOLL  
P. H. ARNOLD

It is impossible to express my own opinion in better terms, than the language of the learned council for the Claimant.

I concur, most decidedly, in all the reasons they assigned for a reversal of a decree and order, manifestly illegal and unjust: a case more plain and evident can seldom appear before any tribunal.

He then gives his opinion as to what the Lords of Appeal should have done at once, citing precedents, and thus proceeds:

It is in vain to conceal, that however British Courts of Admiralty may profess to proceed according to the laws of nations, and to know no other rule except where altered or modified by treaties, such is not uniformly the tenor of their conduct. The present case, if there were no other, affords abundant evidence of this fact . . . they are too often influenced by political considerations, or directed by the instructions of the Ministers for the time being. . . . The consequence, however, of such conduct has been, that the British nation has frequently been obliged to make compensation for injuries thus committed on unoffending neutrals.

He then criticizes the action of the Court and the law, and closes with:

These observations lead to this result, that General Allen is entitled to the interference of the Government of the United States, to procure him redress for the manifest injuries he has sustained, and injustice he has suffered, which he has hitherto sought in vain from the British Government. The above remarks are respectfully submitted to the Consideration of the President of the United States.

C. A. RODNEY

How far-sighted Allen had been when he had engaged, at no inconsiderable expense, a shorthand reporter of reputation to take down all the proceedings in the Court of Admiralty!

This opinion was a full vindication of Allen's contentions, from the day of the seizure eleven years previous. Rodney's written opinion displays the knowledge of English law Allen possessed throughout this long and complicated case. This opinion should have secured to him the most positive and urgent demand on Great Britain by the United States Government, and full compensation for his great losses. Unfortunately for him, President Jefferson suspended diplomatic intercourse with Great Britain on August 9, and at this time the country was experiencing a presidential election. Monroe was trying to obtain the nomination of President against Madison. Monroe, during his residence in London, as Minister, had not carried out the instructions of Jefferson and Madison, and the treaty he negotiated with England was never submitted to the Senate by Madison. The feeling between them had not served to aid Ira Allen's cause at the British Court. Madison was elected President in November, 1808, by a large majority. He had been Secretary of State for eight years and was now to serve as Chief Executive for a like term.

Bowne and associates were still pursuing Stephen Thorn; they requested their attorney in Vermont, Mitchell, to send to them a transcript of the judgment obtained against Thorn in Vermont, as an action was being commenced against him in New York.

Allen made efforts to have the Government press his case against Britain before war was declared. In August, he issued and had printed in Philadelphia a pamphlet of twenty-seven pages, entitled 'Ira Allen's Address to the Freemen of Vermont, and Legislature thereof, Respecting a Cargo of Military Stores, Captured by the British. Conduct of the Senators and Representatives of Vermont, and that of a conspiracy.' It was a bold title and was sure to widen further the breach between him and the Senators. Jonathan Robinson, elected in 1807, was now up for reelection for a six-year term. The Representatives were all up for reelection. The address begins:

Although the Allen Family were amongst the principal founders of the State of Vermont, and contributed much towards the In-

dependence of the United States, yet the last survivor of that family addresses you from the city of Philadelphia, in the State of Pennsylvania, to which place he has been compelled to retire from the oppressions he has experienced, in Europe and Vermont.

Allen next recited concisely all that had occurred since 1796 in regard to his case, the efforts made in his behalf by Rufus King under instructions from President Adams, the instruction of Jefferson and Madison to Monroe in London to claim justice for him,

which brings us to a consideration of the conduct of the present Senators, and Representatives of Vermont in Congress. That no mistake may arise, I mean to consider of the conduct of Messrs. Bradley and Robinson as senators, and Messrs [M.] Chittenden [son of Thomas], Fisk and Elliot as representatives,<sup>\*</sup> who, if they have not cast a shade over this cause, have not supported it. Whether these gentlemen are under the influence of the land thieves of Vermont, popular considerations or other causes have induced them to decline giving their support to this cause, is not the present question. The simple question is, whether such unwarrantable combinations as are stated in the documents alluded to, are to be supported or encouraged by your Senators and Representatives. If you judge so, then you will re-elect Mr. Robinson, and Messrs. Chittenden, Fisk and Elliot; but if you judge that the rights of the founders of your state, that of the Fatherless and Widow ought to be protected, you will turn your attention in the ensuing elections to other men of ability, candour and respectability, of which the State of Vermont, is not deficient.

In attempting thus to influence the voters, he forgot that he had been away from Vermont thirteen years, was unknown by a large majority of the voters who had come into the State since 1795. He next recited the extent of his possessions on his departure to Europe to serve Vermont again by promoting the building of a canal to the St. Lawrence and securing arms for her militia. It was a dignified, strong appeal, but had little if any influence on the elections held in September. All those against him were reëlected, and with this delegation in Congress from his old State, it must have been doubly hard to induce the Government to do anything for him, especially as this delegation belonged to the party in power. At this time he was fifty-seven years old, and still feeling the effects of his

<sup>\*</sup> Mr. Witherell, a new member from Vermont in the last Congress, tried to get the Senators and Representatives from Vermont to meet and 'concert plans to obtain justice of Great Britain.' They declined to meet, so nothing was done.



long confinement in the French prisons; but nothing could discourage him, and he pushed his cause regardless of this great handicap. Notwithstanding he wrote the defense attributed to Bradley, for which Allen allowed him all the honor, Bradley had ceased to be friendly. Robinson's enmity most likely resulted from the refusal of a favor, when Allen was in power, which Allen felt he could not justly grant. These men allowed their personal spite to influence them against the man who, they both knew, had made the State they now represented.

The relations between Great Britain and the United States were becoming more strained and Allen's persistence had possibly worn out almost every one in office by this time. With letters and pamphlets he kept the matter constantly before all those in power; but what else could he do unless he gave up the fight?

The Legislature met on October 13, at Montpelier, which was now made the capital of the State. Tichenor, who had been defeated the year before, was elected Governor; the House was republican, but a majority in Vermont were opposed to the Embargo Act, which commenced the great era of smuggling in Vermont. A committee was appointed to see if the surveys of town lines and charters were recorded in the Surveyor-General's Office and reported they were not. 'That the Surveyor-General in 1782 [Allen] was ordered by the Legislature to obtain them; if he did, he had not turned them over to his successor.'<sup>1</sup>

A committee reported that Silas Hathaway should be liberated from the jail in Burlington, as all his creditors had consented, and a bill was reported freeing Hathaway from arrest for three years. On second reading it was dismissed; it was brought up again and favorably reported, but was again dismissed. Such was the mode of legislative procedure in Vermont at this time.

Ethan Allen's sons, Hannibal M. Allen and Ethan Allen, were lieutenants in the Regular Army; they were now of age and had a considerable interest, through their father's estate, in the lands formerly owned by the Onion River Company. Ira Allen thought that the prestige of their name and their interest would help the agent he was sending to Vermont, so he

<sup>1</sup> Very few of the charters were sent to him to record.

applied, on November 3, to General James Wilkinson, Commander-in-Chief of the Regular Army, for a furlough for them of sixty days, giving his reasons for wishing them to go to Vermont. The request was granted, but the boys, unlike their illustrious father, had no initiative and little ambition to venture anything that required much exertion. They could not understand the need of their effort in Vermont and declined going.

And so another year passed. While Allen had accomplished, through the Attorney-General's opinion, the vindication of his character, which was worth a year's work, he had not recovered any damages, so justly due from Great Britain.

## CHAPTER XXXVII

### THE ST. LAWRENCE CANAL; THE FAMILY AND POLITICS

1809

THE Embargo Act was needed to make the people of northern Vermont realize the great advantages to them of a free intercourse with Canada. Few, if any, ever appreciated Allen's statesmanship in promoting commercial intercourse with Canada in the early days and obtaining the first privilege for a free trade after the Peace of 1783. The citizens of Burlington were now beginning to understand the value to them of a ship canal to the St. Lawrence. At this time the feeling was so strong against any measure restricting the Vermont trade with Canada that a large number of citizens declared they would not fight against England in event of a war, but would remain neutral. The Federalists were showing their true colors and talking and acting as the Tories did prior to the rebellion. In a letter from John Henry to a friend in Canada, dated Burlington, February 14, regarding the state of feeling in Vermont, he writes:

I met with Mr. Tichenor, the present Governor, with whom I have long been intimate. He is visiting the towns in the Northern district and I make no secret of his intentions. He is desirous personally to inform the people that his own opinion of the measures of the administration are perfectly congenial with theirs, but at the same time, to urge the necessity of union and the interposition of *State Sovereignty*, in preference to detached and desultory efforts to obtain redress. As Commander-in-Chief, of the Militia, he is determined to select such officers as he can rely on and put himself at their head, in case the State should be called on to furnish its quota of troops, and it is perfectly understood that he will not permit a man to march out of the state and in case of a war, with England, will maintain a perfect neutrality. *Something more than neutrality* is talked of in such an event, but I doubt whether more can be expected. . . . To what extent the sentiments, which prevail here exist in the neighboring states, I am not informed.<sup>1</sup>

In another letter, dated from Windsor, February 18, which was always a Democratic town, Henry wrote:

<sup>1</sup> *Canadian Archives*, Q-109, pp. 82, 85.



The general fallacy of men's judgements when their sensibilities are strongly excited and the confidence of success, which flow 'from the sanguine hopes of an aspiring party' led me to distrust the *calculations* of the Federalists, and to state them in my two former letters, with caution and moderation. Since my departure from Burlington, I have sought every occasion of conversing with the Democrats, on all the probable consequences of the measures, which the general government pursues. The Federalists declare 'that the State will negotiate separately for itself in the event of a war with England, and maintain its neutrality even by an armed force, if no other State should unite with it.' The Democrats, on the contrary, assert, 'if war would not unite the people, the equality of power would at least paralyze the efforts of both parties.'

If all the people held opinions similar to those which prevail in the Northern Section, there is no doubt in my mind, that full confidence would be due the declaration of the Federalists, but it so happens that those who inhabit the Eastern section are not influenced by the same motives, nor entertain corresponding opinions. They are not (like those of the Northern section) dependent on Canada for the sale of their produce and supply of foreign commodities, they are not apprehensive of any serious dangers from a war, nor are their immediate interests (in their own opinions) inseparable from a friendly intercourse with Great Britain. They admit that the Governor and Council (or Upper House) and probably the House of representatives will continue to be Federal, yet *deny the probability that the State would stand alone and resist the general Government*. As the crisis approaches, the difficulties in the way of deciding upon a dangerous alternative increase, and I should think it more safe to rely on the latter opinion in the present state of things. I am, however, aware that Democracy grows deeper every day, and that the powers of the States are delegated to Federal hands, but there is not in the State of Vermont a man commanding talents to infuse his own spirit into the people and amidst the confusion of conflicting opinions and civil commotions, point out the path of duty and safety, in short no man who *could* inspire the multitude with confidence, or who to obtain a great good, or get rid of a great evil, *would* put much risk. With the Governor I am intimate and shall probably correspond. He is a prudent industrious man and has the most personal interest of any man in the State, but his abilities scarce reach [blotted out] and being very poor, is dependent on his office for support, notwithstanding this character of him, I feel very confident, he will do whatever he may do in perfect safety. He has pledged himself *at least* to co-operate with Massachusetts. Whether it may be expedient to urge him to do *more*, is a question for a future day. At present everything seems growing towards a maturity, highly unfavourable to the interests and projects of the French party, which, in the expectation of producing more general unanimity, has delayed until it is too late, the attempt to involve the United States in a war with England.

I find it will be necessary to correct by means of the public papers an opinion not less general than erroneous and mischievous, namely that a thousand men are adequate to the conquest of Canada. This is part of the popular delusion and must be set right. Opportunities of sending letters to Montreal by safe private conveyances are now so common, that I have not been obliged to write in cypher, nor send by mail, any of my letters.<sup>1</sup>

These two letters were sent to the British Foreign Office in London. Tichenor, who had favored New York as against Vermont, was now ready to favor England, if it would be to his advantage.

Gradually Allen was learning of the different combinations that had been formed against him and of the estrangement of his children. How bewildering it must have been when these facts confronted him.

PHILADELPHIA, *February 9, 1809*

DEAR JERUSA:

This packet will be delivered to you by Mr. John P. Ripley, Esq., of this city, who goes to Vermont especially on my business, the outlines of which you will see by the enclosed papers; but he will shew you his instructions, the opinion of the Attorney General of the United States &c. and make verbal statements to you. I expect every branch of the family will come forward in support of the measures I am pursuing; it is a justice due to me and interesting to them. I am not to be sacrificed by intreaques for the part taken by my dearest friends and myself for the independence of these states and securing the interests of the people of Vermont from the claims of the land jobbers of New York. From this source envy and avarice combinations have formed and pursued me through Europe and the United States, without being able to produce one syllable of evidence against me. I enjoin you to go with Mr. Ripley to Mrs. Penniman, who I am confident is knowing to the affair of McLane, originating after I went to Europe. Capt. Tho<sup>s</sup> Butterfield was a principal witness against McLane and knows the whole affair, and may be induced to give information to shew by evidence that that affair originated after I went to Europe, of which I had no knowledge, or connection, is a part of Mr. Ripleys business to Vermont; of which I can make advantage in obtaining compensation from the British Government. (The events of the world, of which the United States could have little control, are nearly prepared to shew to Great Britain that peace with the United States, will be better than war, which induces me to prepare a settlement, for I am not an advocate of war.) I have shewn to the world that the first charge brought against me, respecting arming the rebels of Ireland, was without foundation and was abandoned by Sir W<sup>m</sup> Scott. The next charge

<sup>1</sup> *Canadian Archives*, Q-109, pp. 261-63.

was respecting the Canadas, without the least proof. I have shewn that I was a peace maker between the people of the Canadas and Vermont from 1780 to 1795. It remains to shew that this affair originated in intrigues to deprive the Militia of Vermont of arms and to embarrass me in Europe. For these purposes different interests have united, of which it is not necessary to go into details, when simply pursuing measures to obtain justice from the British government; which will completely vindicate my character and put it in my power to do justice to myself, family and friends.

You will see that I have sent for my brothers sons to come to me. I also enjoin it on you to send Ira<sup>1</sup> with Mr. Ripley to me and I hereby enjoin it on him to come for more reasons than it is necessary to make statements of. As to my other children, I shall say something at another time; nor will it be necessary for Ira to stay more than a week or two before he returns to Vermont, but I positively insist on his coming.

Please to make my best compliments to all friends.

Your friend

IRA ALLEN<sup>2</sup>

This earnest appeal shows that his relatives were not co-operating with him in obtaining the kind of evidence needed for his claim against Great Britain.

John A. Graham was again active in his usual manner. Robert Bowne writes Mitchell in Burlington, in a letter dated New York, January 27:

A total stagnation of all regular business has given rise to a spirit of speculation which, it is possible, will be of service to our learned friend John Andrew Graham L.L.D. Councilor at law &c. by enabling him to dispose of shares in his patent right of the privilege of smelting of the gold, silver and lead mines in your State. He will be enabled by this means I believe to pay off all his debts, having already sold shares to the amount of ten thousand dollars.<sup>3</sup>

On March 4, James Madison became President. The Embargo Act was repealed on March 1, but Congress passed another on the same day forbidding all commercial intercourse with France or England.

On June 1, Allen sent out to the people residing along both sides of Lake Champlain a small pamphlet of six pages, giving extracts from speeches made by W<sup>m</sup> Pitt and others on conditions in 1795-1800. In the pamphlet he stated to 'The

<sup>1</sup> Ira was about nineteen years old.

<sup>2</sup> Manuscript in Vermont Historical Society.

<sup>3</sup> *Mitchell Papers*, University of Vermont.



People of Vermont' that, in May, 1777, the Tories tried to divide his lands among them, and in 1799 the

Land Thieves of Burlington, and their confederates, contended for a division of said Lands. . . . I consider the Land Thieves . . . a small jesuitical part of the people of said districts; that the Great Body of said People are my friends, because my public exertions have contributed much to their interest, peace and happiness, which will appear from a review of different negotiations, and that the interest, peace and prosperity of the People of neighboring Provinces have been a part of my measures and liberal policy, in respecting the rights of different parts of the great family of mankind. If the Land Thieves . . . and their Confederates have had an undue influence on the Legislative, Executive and Judiciary Powers of Vermont. . . . If certain Judges have had one eye so hard strained on popularity, that the one ostensibly reserved for justice has become quite dim; a skillful Physician may restore both eyes to their usual functions, so as to see their only road to lasting popularity in justice.<sup>1</sup>

In this pamphlet he urged the people living in the towns 'contiguous to Lake Champlain' to hold meetings and urge upon their Representatives in Congress the necessity of including in any peace treaty entered into with Great Britain, then or thereafter, the use of a canal to be built by British subjects connecting Lake Champlain with the St. Lawrence River.

Hearing that it was probable that Jonas Galusha, of Shaftsbury, would succeed Tichenor as Governor in October, Allen's hope revived, as he had known Galusha for many years. The lack of coöperation of Allen's family is displayed in the pamphlets he issued. We are indebted for much of the information concerning his affairs to these frank and intimate statements.

On February 9, he wrote out full instructions to Ripley, not only to conserve his time, but to omit nothing. He referred him to the publication he had issued on his return to Vermont in 1801, giving a full list of the property he owned when he went to Europe, and informed him that he had left all his papers and his keys with Heman. He stated that, before he left in 1795, he had sold St. Albans township to William Coit, one of his old surveyors, and took his note for ten thousand pounds, Vermont currency, in payment. These lands had been attached, 'but by magick, or otherwise law logick the suit was lost; Mr. Coit is dead, and his estate is insolvent;

<sup>1</sup> Allen's *Extracts, Speeches, etc.* (June 1, 1809), p. 5.

but the note remains. . . . I had paid large sums, and taken up bonds, notes, &c., on the estates of Ethan, Heman, Levi, and Zimry Allen and Remember Baker.' He recited how, previous to 1778, he had given a bond to his brother Heman on which Heman's daughter, Mrs. Catlin, had obtained a large judgment against him during his absence. He gave the names of those to apply to for proof of his ownership of St. Albans.

At the same time he addressed a letter:

*To all the branches of the Allen family and Dr. Able Allis, son-in-law to Captain Remember Baker:*

As the last survivor of a once numerous, united, and enterprising family, I address you from Philadelphia . . . to which place I have been necessitated to retire from every thing dear to me in Vermont. . . . It is a time for mutual exertions of reconciliation, 'a house divided against itself can not stand.' It is not necessary to enquire the causes that contributed to the death of Paul First of Russia; or to compare the events of Europe with those of the United States, or case in question. Let it suffice to refer you to the opinion of the Attorney General of the United States. . . . Mr. Ripley calls on you, . . . it will be necessary for you to assist him in obtaining an appraisal of all the real estate vested in me in November 1795, at its present Value.

Allen wrote that in his opinion a settlement will take place without war and that he is opposed to war between the United States and Great Britain. Evidently little attention was paid to this appeal, for on June 28, from Washington, he wrote again to the members of the Allen family.

Was Mrs. Hitchcock's Mother [Ethan Allen's first wife] living, she could say much of my attention to the family; Lucy was younger, but some things cannot have escaped her memory of which you must have had some knowledge, even to know by whose exertions a family property was accumulated in Vermont.

He discloses that Ripley was unable to go to Vermont and his want of health &c have made further delays. I expect in a few days to return to Philadelphia, when I shall make another attempt to send to Vermont. Is it further from Vermont to Philadelphia, than from Philadelphia to Vermont?

A letter which is addressed to Samuel Hitchcock, of Burlington, to be shown all members of the family, closes with a quotation from William Pitt's speech to the British Parliament in 1766,

'Will you quarrel with yourselves, now the whole house of Bourbon is united against you?' And these words are from one of the greatest men ever produced in Europe, which contains a moral, applicable to the present case, and ought to be viewed by all the Allen family, and heirs of Captain Baker, next to a revelation from Heaven.

Allen wrote many such appeals to his family and the Governor and Council during this year. July 30, he wrote from Lansingburg, New York, to Eleazer Keyes, sending him his address in Philadelphia, 'South 6th Street, No. 32'; August 3, to Jabez Penniman; August 7 and 21, to Samuel Hitchcock; August 18, a memorial to the Legislature and letter to Heman Allen; August 26, to P. P. Enos; and early in August he had sent a Colonel Brookings to Vermont for an appraisal of the property he had owned in 1795, but he could not get it without the help of Heman and others; September 5 and 28, to Hitchcock; September 6, to his wife Jerusha Allen; September 12, 21, and 30, to Heman Allen; September 12, to Penniman; October 6, an address to the Legislature and one to Governor Galusha; October 9-10 and 13, to Jabez Penniman; October 9, to Mrs. Penniman and Samuel Hitchcock, and on the 13th, to Heman Allen. He wrote Heman, October 16:

Since the 28, June, I have received three letters, two from Mr. Penniman, and one from you, which contain little or no information. . . . Why this (I had almost said criminal) silence? When the honour and interest of the family are so deeply concerned, as well as that of the people of Vermont.

He closed his letter with

It is a waste of time, pen, ink and paper to write to the dead or to the living, that will not answer; to say nothing of sensibility.<sup>1</sup>

Receiving no answer to this letter, the most urgent he had ever written Heman, he decided to put the entire family on record, regardless of embarrassment. He wrote Governor Galusha, October 28, from Philadelphia:

I enclose to you the copies of my memorial and address to the Legislature of Vermont, two letters to your Excellency, and copies of a number of letters to my family connections in Vermont; which I request you to cause to be read in Council and Assembly, and then to deposit them in the office of the Secretary of State in Montpelier, to which place I shall send one of the books of the Olive Branch, to be deposited the first opportunity, for the following reasons:<sup>2</sup>

<sup>1</sup> Allen's *Copies of Letters* (Philadelphia, 1810), p. 16.

<sup>2</sup> *Ibid.* (1811), p. 1.



*First.* If my friends have not received the originals, that they may make copies thereof.

*Second.* If they have received the originals and decline giving answers thereto, and decline assisting to support their own rights, and blame me; in that case I file them in testimony against them.

*Third.* To shew the measures and powers of a conspiracy against me that has necessitated me to leave my family, friends, fortune, and every thing dear to me in Vermont.

*Fourth.* To shew the character of General W<sup>m</sup> Hull, that the power and influence of a combination has imposed such a man on the executive of the United States, for the Governor of a Territory. [Hull had been appointed Governor of the territory of Michigan.] That if the Government of the United States could be so imposed on, what impositions may not have been imposed on the Governments of Great Britain, and France, to suspend granting a ship Canal, and to deprive the militia of Vermont of Military stores, legally purchased for their use, and to Cause my detention, imprisonment &c.

*Fifth.* To shew that with an elder brother [Ethan] (who both repeatedly refused bribes from the Land Jobbers of New York &c) I persevered to establish the Government of Vermont, and am debarred the use of the laws thereof by combinations who make improper use of law to obtain the lands and improvements of others.

*Sixth.* To shew the measures I have pursued for more than twenty years [twenty-five] to obtain a ship canal from Lake Champlain to the River St. Lawrence. . . . I offer my services to accomplish so advantageous an object without fee or reward, except the satisfaction of Compleating a business that I have been long Attentive to.

Allen could never relinquish an undertaking, once he had embarked upon it. He knew that either before or after a war with England there would be a settlement between that country and the United States, and the only necessary thing he lacked now was an appraisal of the present value of the lands he had owned in 1795, which would define his claim as one of the matters of settlement between the two nations. He believed that, if he could create enough public sentiment, the Government could be induced to include in the negotiations a Champlain-St. Lawrence Canal which would be a profitable outlet for the raw material and products of the northern half of Vermont. It must be remembered that this was many years before railroads were conceived. The situation was so vividly plain to him that he became impatient with every one who did not grasp the fact.

In one of the letters to Samuel Hitchcock he wrote:

It is recorded in Sacred writ, 'That a Prophet has no honor in his own country and amongst his kindred.' I have much reason to be-

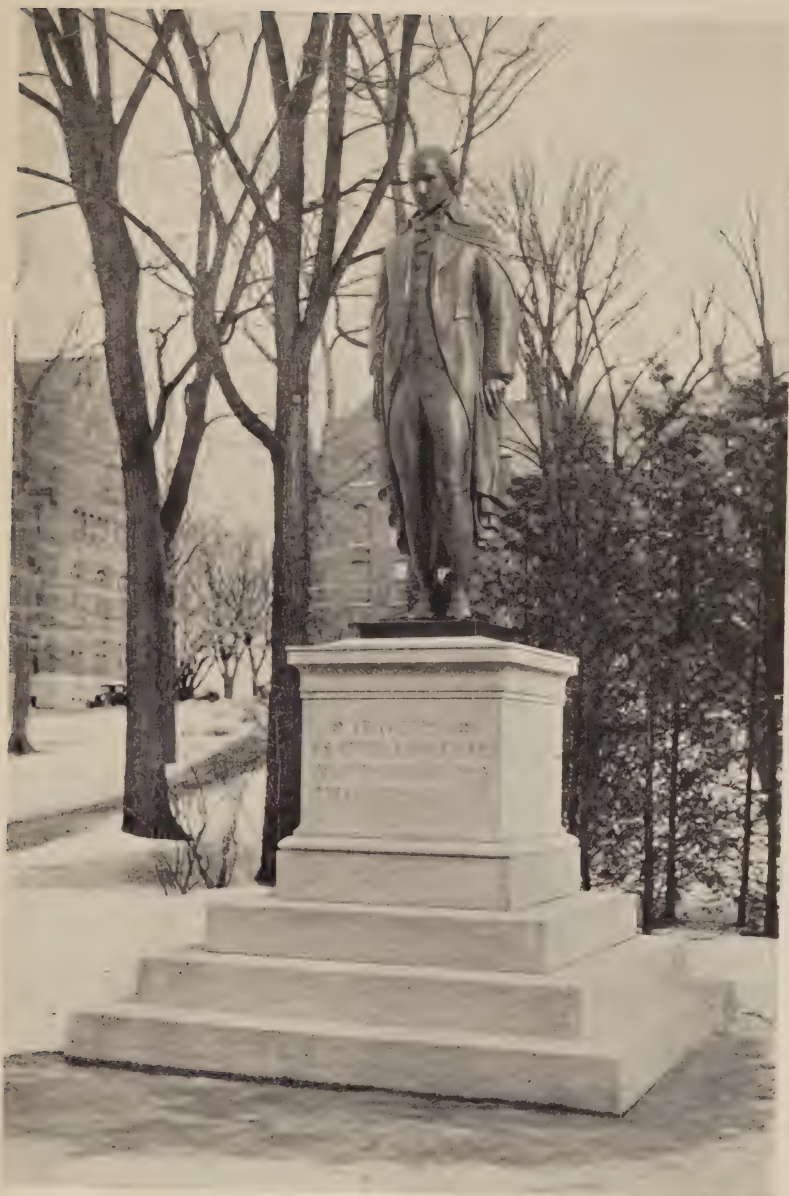
lieve this scripture, which is the more confirmed, when I know that the capture of Ticonderoga &c. and the fame of the Green Mountain Boys are more thought of in Europe than in the United States. That, in the southern States, the battle of Bennington is considered to have caused the change of the Commander in Chief of the Northern Army, and a stepping stone to the Capture of General Burgoyne and army. That the truce between the British in Canada and Vermont, in causing the inactivity of 10,000 British troops, enabled General Washington to capture Lord Cornwallis and army. . . . I was always disposed to give advantages to live, and let live, to every man according to his industry, enterprize and ability.<sup>1</sup>

During this time he requested, in addition to the appraisal of his property, a loan of three thousand dollars from all the family. He was informed that the members of the family had managed to obtain clear title to some fifty thousand acres of the land formerly in his name; there was also the entire township of Irasburg, free and clear, that he had given to Mrs. Allen.

He had sent two memorials to the Legislature; one praying that for a term of three years all civil suits and arrest might be suspended against him and another that the Legislature pass suitable resolutions requesting the United States Government to take action in respect to a ship canal and that he be authorized to act for the State in the matter; offering his services without compensation.

The Legislature met at Montpelier, October 12. Jonas Galusha, Republican, was elected Governor. Titus Hutchinson and N. Chipman, Federalists, were the active members during the session. Hathaway again petitioned for release from arrest, but his petition was dismissed. On a petition, favorably reported by a committee of three, Chipman being one, a bill was passed, 'incorporating Robert Bowne, Isaac Clason, John A. Graham and others for the purpose of smelting and refining certain ores.' Graham, as had been told, was granted 'the exclusive right of smelting and refining all gold, silver, lead and copper ores, discovered within this state, for the term of thirty-five years.' (He had sold stock in New York before his stock company was formed.) This act incorporated a company, 'The Vermont Mining and Smelting Company.' The capital stock, limited to one hundred and twenty-

<sup>1</sup> September 5, 1809. Allen's *Copies of Letters to the Governor of Vermont* (Philadelphia, 1811), p. 21.



THE IRA ALLEN STATUE  
On the campus of the University of Vermont





five thousand dollars was to 'be divided by the said directors into as many shares as the said Corporation shall deem proper.' It was merely a stock-selling scheme and not creditable to Chipman, who put it through the Assembly and Council.

In the township of Georgia, things had not been going as well as Bowne and his attorney had hoped. Bowne writes Mitchell, December 28:

I hope thee will be able to get Heman Allen fairly interested in our service — I then shall think we may succeed, as I am persuaded he would have more influence with his uncle than any other person. Would any of the members of Congress from your State be able to do any thing with Allen?

They wanted Allen's depositions to perfect their titles. He had signed all the papers that Heman had agreed to supply. In this letter, Bowne sends Mitchell a note, given by W. C. Harrington for money he had collected as attorney, for an estate in New York, 'which his widow is much in want of. . . . Get all thee possibly can.' This sets forth the character of the attorney Harrington, and illustrates why Hathaway could engage him in his persecution of Allen from 1799 to 1804.

Allen wrote to Heman in reflective mood:

I have seen the day when an aged Mother viewed with much pleasure six sons and two daughters, all of age, to act for themselves, supporting each other in the most affectionate friendly manner. The part these friends took in life will fill pages of history much to their honour: I alone survive, and it is a duty incumbent on me to see justice done to my own family, and the heirs of my friends; and I assure you I shall not be partial. Let none suppose, because I am in a partial exile, without resources (for what? for the most noble and virtuous acts of my life, in defence of the rights of my native country, and those of my family connections) that I cannot obtain justice, I shall rise like the phoenix from its ashes, and in due time be in the midst of you. The same genius yet exists that found resources to raise a regiment in 1777, and you know that I left Rutland about five years ago with fourteen dollars, and notwithstanding all the efforts that have been made against me I found means to travel when necessary. I have seen the rise and fall of nations, and power changed to different hands; I consider the great cloud, that for a time seemed to overshadow me, is vanishing before truth, like fog before the beams of the rising sun.

The cloud has vanished, and Ira Allen and Ira Allen's memory has revived in honor in the State he created and the university he founded.

## CHAPTER XXXVIII

### STRUGGLE FOR JUSTICE

1810

ALLEN in January was furnishing the printer's copy for a pamphlet entitled:

Copies of Letters/ to the/ Governor of Vermont,/ and address/ to the Legislature thereof, respecting a/ Conspi-/racy against the Author; and respecting a Ship Canal/ from Lake Champlain to the River St Lawrence:/ with letters/ to the Allen family on said subjects, and Compensation from/ the British Government, for the illegal Capture of the/ Cargo of the Olive Branch:/ With the/ Opinion of the Attorney General/ on the case of the Olive Branch./

This was first published with twenty-eight pages, and one hundred copies were sent to Vermont. In May three letters and a few remarks were added and it was again printed, with thirty-two pages. Only twenty copies were sent to Vermont, and this edition is now very scarce. One copy of the January issue with the following letter was sent to each of 'seven of the heirs of my deceased friends in Vermont.'

PHILADELPHIA, *February 1*, 1810

The enclosed pamphlet will shew you what I have called on my family connections in Vermont to furnish me with, and which I yet want, and call for; an appraisal is a material document for me to have in settlement with the British Government. . . . It is recorded in sacred writ, 'he that is not for us, is against us!' this principle admits not of neutrals; the members of the family will be known by the part they take. I have no doubt, but many deceptions have been imposed on you, by designing men, which may have made delays.

Bowne wrote Mitchell February 24:

Send down the deeds of Ira Allen's . . . I was led to believe — by John A. Graham that if I had them here, I would likely get them proved, as he asserted that Allen would shortly be here, but has not, nor have I reason to believe it will soon be the case.

Bowne then offers to pay Heman Allen's expense to go and see his Uncle Ira and obtain some depositions. 'I scarce ever knew when money was so scarce and in such demand.'



On March 4, Allen wrote to his nephew Hannibal at Governor's Island and sent a copy of the letter to Vermont, where he and his brother had gone. A postscript was added, dated March 10, and on March 20 another when the letter was mailed.

Mr. R—— informs, that you had not returned to Governor's Island: if you are yet in Vermont, permit me to caution you, your brother, and sisters, from disposing of your claims to property in Vermont, until you see me; not that I wish to purchase, but, that you should have the best information of the justice due to you, and friends, and an opportunity to appreciate its value; for this and other reasons, I wish to see you, as soon as may be convenient.

Patrick Wall had married Mrs. Penniman's mother. Allen, not receiving any help from his own family, wrote him, April 12, enclosing a copy of the pamphlet and his letter to Lieutenant Hannibal M. Allen:

I feel that I have done my duty, to reconcile family misunderstandings, and to unite the whole, in support of the Honor and interest of the family. I have become a citizen of the state of Pennsylvania, that I might commence suits against Hull, Hathaway, and others in the Circuit Court of the United States, in Vermont; but my friends not calling on me, it being improper to expose myself in Vermont, for reasons in former letters, I shall not have the necessary information to commence suits until October term. I have consulted as good counsel as any in the United States and am advised to these measures.

Mitchell, Bowne's attorney, urged Heman Allen to go to New York and see his client. On Bowne advancing three hundred and fifty dollars for expenses, Heman went on to Philadelphia and obtained from Allen forty-five affidavits; these, with the tax deeds from the sheriff to Allen, were to be used by Heman in May in an attempt to clear the titles of land held by Bowne in Georgia township under Heman's agreement with him.

Heman informed Allen of what he had accomplished and of the attitude of the different members of the Allen family to him and his demands made upon them. Evidently no satisfactory conclusion was reached, and Allen requested him to inform the heirs what they might expect if they continued to refuse assistance in obtaining further evidence. This was in April, and he held up the publication of a pamphlet he was

about to issue containing copies of letters to the heirs until Heman had time to reach home and advise him of their determination. Their indifference decided him to print.

A few remarks may be useful in the case of this pamphlet. It will be seen, that I have wrote many letters to my family connections, without obtaining much useful information, although the honour and interest of the family seemed to require mutual prompt exertions for the best good of the whole. A conspiracy of men, apparently behind the curtain, have pursued me, to at least disconcert my plans in Europe, and in the United States, in preparatory to obtain and confirm fraudulent titles on near 300,000 acres of valuable lands in Vermont, on which were iron founderies, mills, many buildings, and extensive improvements, which, if properly appraised, would be now estimated at about 1,500,000 dollars; to obtain which has been a stimulous to raise many false reports, and to cause vexatious suits for embarrassment. Indeed no measure that the most diabolical and avaricious principles in human nature could devise, have been omitted to injure me, that they and their confederates might profit by said lands, and the cargo of the Olive Branch. I hope, that none of the heirs of my deceased friends will be found connected with this combination; yet, I am sensible that many deceptions and embarrassments have been put in their way, and that on my return from Europe, when any of my friends came forward for my support, this combination took measures to embarrass them. This, among other reasons, induced me to leave Vermont, least I should injure my friends, and not benefit myself; but these, and political events have so far progressed and such proofs are shewn in the Olive Branch, &c. that I have been a successful peace maker, ever since commencing negociation for peace and friendship (between the British in Canada and Vermont) in 1780; that my friends have nothing to fear from such junto, who are a small jesuitical part of the people of Vermont, with a few confederates. The documents, evidence, arguments of counsel, and decisions of the circuit court, on suits to be soon commenced, will reflect light on this subject, and will be as carefully preserved, as similar documents were in the case of the Olive Branch.

After telling of Heman Allen's visit he continues:

This publication [was] delayed to give time to the heirs of General Ethan Allen and others to attend a justice due to myself, family and heirs of my deceased friends generally, will not admit of partial considerations, when the best good of the whole requires decision. *It is a maxim in law, that no man shall take the Advantage of his own wrong, nor can time convert iniquity into justice, or wrong into right, or violence and fraud into title deeds of peacable equitable possession.*

All the heirs of my deceased friends, and others, directly or indirectly interested, or that contemplate to be interested in these matters, are invited to pay attention to this and preceding publications.

This was dated May 9, 1810, and was printed soon after.

About this time his son Ira H. left the University of Vermont; his eyesight was impaired, but it is likely there were other reasons, as about two thirds of his class left at the same time.

During a visit of his nephew, Ethan A. (who had finally gone to Vermont and then directly to Philadelphia before returning to Governor's Island), it was disclosed that he and the other heirs expected that all their claims, on the estates entrusted to Allen, would be paid if he recovered a large sum in damages from the British Government. Allen at once informed him that the heirs had no legal claim on anything due him from England. 'Their claims were to lands. If they declined to support their rights, of course they abandoned them.' Ethan also disclosed that Hathaway had given the heirs a bond to pay them a certain sum of money if they would not contest his claim to Allen's lands, and that, if Hathaway had not been put in jail in St. Albans they might have received the amount stipulated in their bond with Hathaway.<sup>1</sup> Allen could now understand why so little attention had been paid to his requests.

Being a citizen of Pennsylvania, he could bring suit in the United States Circuit Court in Vermont. He wrote lawyers in Vermont to ascertain whom he could employ to represent him in suits against Hathaway and others. The reason given for the Legislature of 1809 not acting on his petition was that it had not been published in the newspapers as the law required. This time he arranged for its publications ending up a memorial, dated July 2, that he be given three years in Vermont to settle his affairs.<sup>2</sup> A copy was sent to Governor Galusha in a letter dated October 8, and on the 22d, he sent the Governor two acts that he desired passed. One was a copy of the Pennsylvania law to protect both creditors and debtors; the other was to free him from civil suits and arrest for the term of three years. Allen, too dignified to make a personal appeal to his old associate, concludes:

It is not necessary for me to call your excellency's attention, or that of many members of the Legislature, to show the claims I have on the government, for personal protection, to obtain justice under

<sup>1</sup> Allen's *Copies of Letters* (1811), p. 36.

<sup>2</sup> *Spooner's Journal*, Windsor, August 20, 1810.



the laws thereof, for services rendered in establishing the government of Vermont, and that of the United States in particular, in preserving the frontiers of Vermont in peace, amidst war and powerful claims on the territory thereof in 1781: at this period, I only claim justice, and submit said acts to the consideration of the Legislature.

On October 25, Allen addressed a letter to Dudley Chase, attorney and Speaker of the House:

In May and July last, I addressed letters to you, Messrs Van Ness, Marsh, Enos and five other attorneys in Vermont to engage them as Counsel for me, and wrote sundry letters to my family connections, to which I have received no answers. Why all this silence is mysterious to me; . . . on the whole, I have determined for the present to trust to printed and written documents and statements, which may at all times show the justice of my claims in Vermont, for I am not a child of yesterday, but assisted in laying the corner stones of the independence of Vermont, and that of the United States.<sup>1</sup>

Copies of all these documents were sent to the Secretary of State of Vermont, to be presented to the Legislature in case the originals were not presented. Allen wrote the Secretary that he was about to reprint

'Allen's History of Vermont,' published in London, in 1798, as revised in Philadelphia in 1805; . . . as I have put the people of Vermont to some expense on these accounts, by way of the Post Office, . . . I propose to pay that debt, by making a present of one of said histories, well bound, to the library of each incorporated town.

The Legislature met October 11; Galusha was again elected Governor, and in his speech of acceptance he could have helped Allen's cause by acknowledging his services to Vermont, but this he did not do. He mentioned the militia and said that, while many had been equipped with guns, no field pieces could be obtained.

Silas Hathaway, insolvent, in jail, was again petitioning for relief, and his and Allen's petitions were referred to the same insolvency committee. They reported in favor of granting Hathaway's petition for a suspension of all suits for a term of five years. The House rejected the report and gave leave to withdraw the petition. Later they voted to recommit it to the same committee, who then reported it should be referred to the next session, while Allen's petition was not reported out

<sup>1</sup> It is difficult to enlist the services of good lawyers when it is well known that the client has no money to pay their charges or court costs.

of the committee. The Legislature adjourned November 5. He could not understand why his urgent appeal had been disregarded and laid it to the short session. To prepare for next year,

as many people have moved into the State, and others who may be elected members of the next legislature were very young when the corner stones of the independence of Vermont were laid, I trust I shall be justified in giving a summary of the part I took in early life, in support of the rights and liberties of the people of the New Hampshire grants.

His was a generous, forgiving nature; he believed that the people would do him justice if they could only know and understand. He could not realize that Tichenor and his associates from 1787 to 1801 had discredited his name in the State by charging him with dishonesty and indebtedness to the State, intimating that he had tried to make Vermont a British colony: or that, after 1801, he was defamed and persecuted by Hathaway and his associates in order that they might rob him of his lands. He could not overcome this slander and his own family must have been affected by the poison. His absence through all these years gave his enemies great advantage. Had he not published a pamphlet<sup>1</sup> the following year, many of his early activities would have been entirely unknown.

Allen knew it was not the Federalists who now prevented his return to Vermont, for the Republicans had a large majority in this Legislature. After stating in his pamphlet that the lands claimed by him and the heirs of his brothers and Baker 'were principally acquired through my early exertions,' and, on their death, had been left to him by will, he declared 'that in sickness, health and education, I have paid a fatherly attention' to these children, and that some heirs were not of age when he went to Europe in 1795 precluding settlement with all of them.

It is pathetic to read the exile's calm, earnest, manly appeals from his safe harbor in Philadelphia, that for the space of three years he be granted immunity from the operation of the merciless laws alluded to [imprisonment for debt], in order that he might by just process of law come into his own again, or by bargain and compromise recover some portion of the property which had been wrested from him. Neither Governor nor Legislature ever responded to these appeals,

<sup>1</sup> Allen, *Copies of Letters, etc.* (1811), p. 44.

backed as they were by arguments of which chapter after chapter in the history of the state were the unimpeachable confirmation. Allen's theory of conspiracy is the only one which explains this mysterious injustice and ingratitude. It was the day of Allen's enemies, of whom there were many, and of tax titles, the law in regard to which had been changed, evidently with a purpose, after Allen had sailed for Europe. The unscrupulous avarice which stole his princely domain, and held it against him by such terms of statute law, in utter disregard of equity, may have found means to blind, or to control, a legislature.

Nor does it afford much consolation to know that Seth Warner, that stalwart soldier and patriot, was in like manner, while risking his life for the liberties of Vermont, cheated out of all his holdings by the same easy process of bidding off tax titles. Thus creatures with the souls of camp sutlers and renegades, under protection of the legislature and the courts, robbed of their estates, the very men whose unselfish devotion had made the State of Vermont, first a hope and a possibility, and then a solid fact.

The dignified, respectful, solidly reasoned appeals which I have mentioned, as well as Allen's narrative in his own History of Vermont of such transactions as he was immediately concerned in, recalls a saying of Tacitus respecting certain worthies of Rome's republican days, who had left behind them accounts of their own share in the movements of their time.

'Such writing revealed,' says the Roman historian,<sup>1</sup> 'neither presumption nor arrogance, but rather a just confidence in the integrity of their own character.'

The letters and other autobiographical writings of Allen testify everywhere to an honest faith in himself, and challenge from the impartial reader a generous recognition of his honorable purpose and of the value of his labors.<sup>2</sup>

On December 29, Bowne wrote Mitchell:

Stephen Thorn was here last week and I am told by Graham that he is now gone back to Philadelphia to bring Ira Allen here, and John A. Graham says he can get him to do any thing for me that he should ask. [He then requests that Mitchell return the deeds.] If Heman would write his Uncle respecting it and request him to do it, I am persuaded it would be done, as he wants Graham's assistance.

While Allen did not know what dastardly calumnies Graham had heaped upon him, the real character of the man had been disclosed to him and it is practically certain that he did not at this time request any assistance from that source. Allen did not go to New York at either Thorn's or Graham's request, and the year of 1810 closed as a fruitless and hopeless year.

<sup>1</sup> *Vita Agricolaë*, I.

<sup>2</sup> *Centennial Address*, J. E. Goodrich, 1892, University of Vermont.



## CHAPTER XXXIX

### FAMILY MATTERS

1811

DURING the winter, although ill, Allen was obliged to change his residence. In 1809, he had leased a house at 32 South Sixth Street, for one year, at an annual rental of three hundred and fifty dollars, with a verbal agreement for another year at the same price. As the location was excellent, looking out on Independence Hall and the small park adjoining, the landlord, soon after Allen took possession, received an offer of eight hundred dollars cash for a two-year lease, together with seven hundred dollars cash in advance for new cabinet work for the house. The landlord requested Allen to move and 'offered some deduction in rent.' When Allen declined, he received 'warning,' and, when his written lease expired, suit was brought to eject him, which Allen defeated. This was repeated three times and each time the landlord had to pay costs. Allen occupied the house 'two years and forty-six days.' He was still a hard fighter and not to be imposed upon. He then moved to 52 South Fifth Street, where he was still in sight of Independence Hall.

Allen was confined indoors, his old trouble of gout causing him much pain. In December, he had been visited by Roger Enos and others from Vermont to whom he had shown the first thirty-five pages of the new pamphlet he was preparing for publication. On January 13, he wrote to his two sons:

It is not necessary to go into details of my absence from home, or the causes that have contributed to it; let it suffice to say, that in less than one year I shall return to Vermont, and reclaim all my real estate in Vermont. Your uncle, Major Enos, can give you information on this subject.

Francis Childs, who had moved to Colchester and had joined Hathaway, advertised, on January 30, Allen's home for sale:

A valuable farm in Colchester, on the bank of Onion River, at the lower Falls, adjoining Burlington, about 1 mile and half from County

Court House, and one mile from the College. On the premises there is a handsome convenient dwelling house, barns, and out houses. A good garden well stored with fruit, and two bearing apple orchards. The situation of the house is healthy and agreeable, affording delightful views as any in the state. The farm consists of about 500 acres of good land, of which about 100 are improved . . . the property adjoining is rapidly rising in value . . . an indisputable title will be given. For further particulars apply to J. H. Lawrence, No. 37, Wall Street, New York, or to Francis Childs, Colchester.

As soon as Allen saw this advertisement, published in *The Washingtonian*, a staunch Federal paper of Windsor, Vermont, he inserted in Duane's *Aurora*, of Philadelphia, an advertisement, 'Caution against Frauds':

In justice to the public, I do inform them that said lands are a part of the same lands that I am about to commence suits for the recovery of, in the district court of Vermont.

In this notice he referred to his several publications and told where they could be found, naming the libraries in a dozen cities. This was also published in *The Washingtonian* on March 25.

Allen's two sons did not seem to realize their father's position or their duty to him, as a letter from Ira H., who was working in Highgate, to Zimri E., dated February 10, shows:

Your letter . . . has been received by the politeness of Mr. Hathaway [who evidently was out of jail at this time, and Allen's sons should have despised him too much to receive anything by his hand] . . . I left my razor at home and furthermore if you can, send me a sand box and some black sand and I will pay you for the same.<sup>1</sup>

The following letter notes Allen's situation and his desire to see the members of his family:

*To Mrs. Jerusha Allen, Messrs. Heman Allen, Ira Allen and Zimri Allen.*

I have at several different times, since the meeting of Congress, proposed visiting Washington, but on going a little out, found my health would not admit; I have nearly confined myself to the house ever since cold weather commenced, and to insure a full restoration, I shall not expose myself to the weather until warm — by this attention, I am advised by my physician that I shall then be in better health, than I have been in for more than ten years past. . . . I expected to have seen him [Heman] here with one or both of my sons, before this time. I could say more in a personal interview, than it is

<sup>1</sup> *Allen Letters*, Vermont Historical Society.

convenient to put on paper. I have no doubt of being in good health by the first of May [his birthday], but I shall not expose my person to vexatious suits, to the east of this State. [He then related his experience with Childs when he was obliged to furnish a bond for one hundred thousand dollars.] I have received a letter from Robert Bird requesting me to authorize him to receive for me . . . a dividend in the estate of B, S & B. which are sufficient to show that that suit was commenced to embarrass me. . . . I shall therefore expect my friends to visit me, instead of my visiting them. [He then requested them to prepare] bills in equity for the recovery of my real estate in Vermont.

PHILADELPHIA, *February 25, 1811*

Receiving no answer, he sent, on March 30, a duplicate of the preceding letter. 'I shall take measures, as will insure the passing of acts in October next, similar to acts applied for at the last session of the Legislature.' To begin suits in the United States Court required money for lawyers and the filing of a bond for costs. Allen did not always seem to realize the difficulty Heman encountered in doing his bidding.

The following day his youngest son, Zimri, arrived in Philadelphia; and it must have been a shock to Allen to learn that the purpose of the visit was to obtain his signature for those thieves who were striving to perfect the title to his land. Bowne wrote Mitchell on April 6:

Zimri Allen went on to Philadelphia the day after he reached here. I advanced him \$40. on account of his expenses. I have received a letter from Zimri, stating that his father declined giving the evidence desired, unless I signed a release written by himself and which the son enclosed. I executed . . . and returned by post.<sup>1</sup>

Zimri, in addition, desired his father to deed his rights in some ore lands. This visit is thus described:

On the 31st of March, my son Zimry Allen arrived here, and, after spending some time to see the curiosities in this city, &c, he returned on the 12th of April, and amongst other documents for the information of my friends in Vermont, he took a copy of the following address to the people thereof.<sup>2</sup>

In this address Allen wrote of the past in a concise form in an effort to create public sentiment in his favor.

Bowne wrote Mitchell, 'I was not at home on Zimri's return. Thirty dollars more was advanced to him; with hotel

<sup>1</sup> *William Mix Mitchell Papers*, University of Vermont.

<sup>2</sup> Allen's *Copies of Letters to the Governor* (1811), p. 57.



bill, it makes \$74.87.' The family had little money apparently with which to travel or else they were only willing to visit their father, providing others (though they be his enemies) would pay the expenses of the journey. The sequel to this visit of his nineteen-year-old son is told in the following:

BURLINGTON July 27, 1811

DEAR SIR: Yours bearing the date the 21 June is now before me, to answer which I am peculiarly at a loss. Whether I have been negligent in performing any of the trusts committed by you to me or whether I have in some more personal thing offended you, that you should be silent on '*Certain important Subjects*' I am utterly at a loss to determine. Was it not the voice of a Father that spoke and was I not bound by every tie of filial affection to obey? Certainly I was. Have I become an unnatural Son? have I become a stranger to your interests and would I wish to oppose your success? If you believe so Sir, renounce me — cast me from you as unworthy of your blood. Call me not your son and at the same time say I am leagued with your enemies. But you can not say it, no, I repeat it, you can not say it. I feel sensible for the misfortunes of my father and as a member of his family am willing and have done everything in my power to redeem his fortune. I did not publish the paper brought home with me, because those whom you call your friends advised me not to and now you have sent an addition. I absolutely and before God declare I have not the *means* to do it. The Request which I made for the ore bed was with a single eye to your interest and, had you have granted it, you might ere this have realized the good effects of it as it would have enabled me to have made your publications and to have done many other things for the good of your cause. And besides you were agoing to be no looser by it. I therefore had a right to expect as much as from my father. It might yet be of service, but is not now so valuable. Present my compliments to the family, while I remain your Son

Z. E. ALLEN

N.B. I am pursuing my studies and cordially thank [you] for the promise of a library.<sup>1</sup>

His 'compliments to the family' were to Mrs. Finch and her mother who lived with Allen in Philadelphia.

A letter from Camp Belle Fontaine, Louisiana, to Ira H. Allen from his cousin Ethan A., dated March 25, reads:

After I left Vermont . . . I went as far as Philadelphia where I saw your father — he was very anxious I should return to Vermont for the purpose of *Settling* the disordered Estate of the Allen family — but, as I had not the greatest confidence in my own abilities, I declined the attempt.<sup>2</sup>

<sup>1</sup> Vermont Historical Society.

<sup>2</sup> *Ibid.*

### The pamphlet styled

Copies of letters/ to the/ Governor of Vermont/ and address/ to the Legislature thereof, respecting a conspiracy/ against the Author; and respecting a/ Ship Canal/ from Lake Champlain to the River/ St Lawrence:/ with the/ opinion of the Attorney General/ on the case of the Olive Branch. With Letters/ to the Allen Family on said subjects, and Com/pensation from the British Government, for/ the illegal Capture of the/ Cargo of the Olive Branch./ By Ira Allen,/ Claimant of said Cargo./ Philadelphia/ Printed by John Binns — for the Author./ [1811.]

was the last publication by Ira Allen. The following is quoted:

Altho' I may feel myself much injured by the evils I have experienced in Great Britain and France, a justice due to myself, in vindication of my own character, has stimulated me to write pointedly against said governments, and some individuals in Europe, and the United States; when I consider the measures that have been made use of by designing men, to cause my persecution for personal benefits, such Considerations tend to moderate my feelings toward such governments, but do not lessen my claims for Compensation. . . .

When I view the state of Europe, the causes that have produced the most destructive wars that ever visited this earth, and that such wars may be continued for some years yet to come, it is with deep concern I look to see if the people of the Western Continent may not, from their local situation and other considerations, avoid becoming parties to such war, and preserve their rights and property on the high seas, which has been and may be extremely difficult at this eventful period. In the present state of the contending powers, both may benefit by the neutral flag of the United States. . . . The French government have gained such an ascendancy on the Continent of Europe, that there cannot be any doubt, but they will soon have the complete control of the Peninsula of Spain and Portugal, (but this is in part a war of finances) may not Poland be reinstated as a Nation, by royal and plebeian influence, and may not great changes be expected in the Turkish Empire, which may prepare the way for further changes in the east. These events may unite an immense power on the continent, with an amazing extent of coast, internal and coasting Commerce, with the means of building and equipping navies. This Coasting trade has more than double effects in addition to the exchange of merchandise, it assists their finances, and is an extensive nursery for seamen. The Baltic and Black seas may at a future day, be places to collect and discipline navies. A Canal may be made from the river Volga, to the Dawn [Don?] by which the Danube, &c. much power and resources may center in the Black Sea.

He predicted the independence of South America and discovery of great wealth there. He gave as his opinion that Great Britain would consider the commerce with the United

States of much importance. Of revolutions in South America he wrote:

In revolutions, wisdom, moderation, and forbearance are great virtues, which may prevent the shedding of much blood; in such times above all others, imprisonment, transportation, or some measure of that sort ought to be introduced, instead of hasty sentences of death. In the course of revolutions that I have been personally acquainted with, I have known near friends violently opposed to each other, and afterwards on a review of past measures, be convinced that each had acted on honorable principles, and live on as friendly terms as ever.<sup>1</sup>

The last letter in the pamphlet, which must have been printed early in July, was dated June 20, and addressed 'to all the members of the Allen family &c.' After requesting them to read the books of the Oliver Branch 'and particularly the contents of the pamphlet this letter is annexed to,' he closed:

Those opposed to me would do well deliberately to consider of these matters, for there is a time in human affairs, when proposals, if not complied with, must give way to effective measures.

Allen's daughter Juliet was attending school in St. Albans, as is seen from the following letter:

MISSISQUOI HAMLET, 22 June, 1811

DEAR SISTER,

I am informed that there will be a ball at St Albans on Monday evening. If you and Eliza wish to attend, I will arrange my business so as to wait upon you and attend also. My compliments to Mr. Janes and the Ladies.

Your Brother

IRA H. ALLEN

Less than two months after, she died at the age of seventeen. She had not seen her father since she was ten; in all her young life she had known him only for the one year and a half that he had lived at home since 1795. Allen at this time was ill, and the shock of her death must have greatly depressed him.

The Legislature of Vermont met at Montpelier, October 10. Roger Enos represented Colchester. Allen's old friend, Eleazer W. Keys, petitioned to be freed from arrest, but his petition was dismissed. Galusha, in his speech of acceptance of the Governorship, said: 'I consider it highly expedient, that a suitable supply of arms should be provided, either by this, or

<sup>1</sup> Allen's *Copies of Letters* (1811), p. 53.



the United States, for the purpose of our militia.' Hitchcock was endeavoring to settle Levi Allen's estate, and asked permission to sell his real estate. Ira Allen's memorial was not presented. It was still in the committee of last session.

Allen's health was slowly breaking. He had not been able to go to Washington, and, as diplomatic relations with England had been severed, there was no way that he could sue for or advance his claim against that country. He felt that he had done all that it was possible for one man to do to prevent the war which was slowly but surely approaching, and which he well knew would end all chance of obtaining justice from Britain.

## CHAPTER XL

### WAR: CLAIM OF THE HEIRS

1812

ILLNESS interfered with Allen's activities in publishing and in pushing his claim against Great Britain.

A characteristic letter from him in April is interesting:

DEAR SONS: Much time has elapsed since hearing from either of you and I have been too unwell to travel or attend much to any business; but I have got the better of my old complaints and shall soon resume my former activity in business. You are too much interested in my property to be silent spectators nor can I by letters lead you into the part you ought to take. I find my letters containing money to effect certain objects in Vermont have not by Post reached the place of their destination and the money and objects have been lost, but I am not in the least discouraged; when my health is restored I shall make persevering exertions. You will see by the books and pamphlets I have printed that I have judged right respecting the events of Europe; see my last pamphlet. That soon after writing that, the French Government took strong measures against the Commerce of England, in taking possession of Holland, preparatory to measures now in motion in the north of Europe. I am not yet convinced that a war will at present take place between Great Britain and the United States. But be assured that the events I have long waited for have so far progressed that by your assistance, the ensuing summer will be a rich harvest to us. The ways and means of securing these advantages must be made known to you by personal interviews with me. When Zimry was here my head was too much disordered to attend much to business and has so remained until within a few weeks; but thank God, strength of Constitution and a good physician, that my mental powers have become strong and my complaints are nearly removed from my head.

I have inclosed with this letter to Heman my deposition to cause the case of Mr Isaac Scott (of London) to be continued to next October term in the Circuit Court which he will show you. It is of consequence for many reasons that the cause be continued, which, if Heman or you attend to, may be done and I enjoin it on you to be particular in this business. Mr. Scott's suit attaches Highgate, Irasburg &c.; see that no execution be granted at the present term and I will take care the next term.

Let it suffice to say that Mr. Scott was my friend in England.

Give me the earliest information of the result of this business, &c

Yours

IRA ALLEN

IRA ALLEN and

ZIMRY ALLEN

P.S. If I fled from the Bear and the Lion met me, Heman and Zimry know that I have drawn his talons.

In addition to sending the affidavit with a letter to Heman, he also sent one direct to the court. He evidently did not realize the conditions at home, for this letter was followed by one to Mrs. Allen.

PHILADELPHIA *May 19, 1812*

DEAR JERUSHA: Having heard nothing from my letters of April last, I enclose copies and state that my affidavit shews that Scott's bond was obtained under duras without original documents for a sum much larger than ever due, which with other facts important in the suit I shall be prepared to shew in October next. It may not be too late even after receiving this, to cause a continuation, appeal, or in some way to have a hearing next term. It is strange that I cannot get answers to letters of the consequence of those aluded to, my sons ought to know their interest better than to neglect objects of such consequence. I am fully apprised that every measure that a combination can devise will be made use of to embarress me; but, after fully regaining my health, I shall rise superior to every effort that can be made and at this late period I simply demand justice.

Books, pamphlets and preceding letters upon the use of extending this letter. I send it under cover to another person and omit my hand writing and postage to insure its safe arrival and request you to pay the postage and boy for carrying it to you.

Mrs. Allen had managed her husband's affairs, which had been extensive and complicated, as best she could since 1795. Without much, if any, means, she had kept the little family together. One year she had buried her father, another her only daughter, and now another great sorrow was coming to her. Ira Allen may have expected too much of her and did not realize that his sons, when they were nineteen and twenty years old, were not as self-reliant and aggressive as he had been at their age. Their environment and opportunity had not been the same as his, and the times were different. The following letter from Heman shows how great was his affection for them all and how little cash they possessed. The family of the richest man in Vermont, ten years before, were reduced now to straitened circumstances.

HARTFORD, 10 *July 1812 (Thursday 6 o'clock P.M.)*

DEAR MADAM,

Appearances highly unfavorable induce me to inform you, that I despair of ever being able to remove Zimri. When I wrote you on tuesday last, I was of a different opinion, but ulcers have formed on his lungs, one of which broke and discharged about a Gill this morn-



ing, — since which he has been much easier, but the danger is, that he has not sufficient strength, to throw off the matter collected on his lungs. In this situation, although you can afford him no assistance, yet, as it may be a great consolation for you & Ira to see him once more, you had better prepare for the journey as soon as possible. I know not what arrangements you will make for cash, unless Ira gets it in Plainfield, as I have a scanty pittance with me, and the expenses here are very high. I am very much at loss, whether to procure any additional medical assistance. Mr. Walter Mitchell advises to send for Doct<sup>r</sup> Sheldon of Litchfield. I have proposed the thing to Doct<sup>r</sup> Bacon, he says he has no objection, but it will be of no avail, as he has practised with Doct<sup>r</sup> Sheldon, and knows that he would make no alteration — I can however perceive that Doct<sup>r</sup> Bacon is opposed to it, and as he has been the attending one, it may make it worse — but I find that the additional calamity quite unmans me, & those pleasing dreams of happiness I had once anticipated, are now all tumbling into atoms.

Zimri is yet ignorant of his situation. I have diverted his mind with the idea of returning home, but alas I fear that that home will be his long one. The Doctors can give no certain opinion, they say, he may live weeks, months & perhaps years, and perhaps he may go very suddenly. He wishes me to sit by him constantly and talk to him, which I do as much as possible. Perhaps Mr. Mitchell may have rec<sup>d</sup> the money on Collins' note, which I left with him to send to Canada, if so, you can get some of that. You will be able to drive the mare here in four or five days, she must have four quarts of oats at morn & evening and four more during the day, you will keep her up, and see that her breast and under the saddle is frequently washed with cold water. You had better come by Windsor & Montpelier — and, if it should be possible to remove Zimri, the Chaise will be here for that purpose. I have nothing further to add, but you will make such arrangements at home as you think proper.

I am with regard

Your ob<sup>t</sup> servant

HEMAN ALLEN <sup>1</sup>

Affairs with England were becoming more involved. It was reported that there were upwards of six thousand cases of impressment of American seamen into the British Navy. It was admitted by a member of the British Government in Parliament that there were thirty-five hundred impressed seamen in the British Navy.

President Madison, on June 1, 1812, sent a war message to Congress. Impressment was now put first in the order of grievances and the President added that many outrages had

<sup>1</sup> Vermont Historical Society.

been perpetrated on our vessels and citizens. On June 19, war was declared by the United States. General William Hull, who had been one of the principal people endeavoring to obtain illegal possession of Ira Allen's lands in Vermont, had been put in command of the forces in the Northwest, which included Detroit. The first great disaster occurred when Hull, on August 15, surrendered Detroit to the British, which gave them control of the Lakes in the West.

Vermont was the only New England State that voted in the electoral college for Madison for a second term. The Vermont Legislature met October 8. Galusha was again elected Governor. Heman Allen represented Colchester, and Roger Enos, Irasburgh. In Galusha's speech of acceptance he again referred to the fact that Vermont was exposed and had no arms; he had obtained twenty-five hundred stand from the United States, 'far short of their needs; some measures must be taken to provide arms at once.' A resolution was offered pledging loyalty to the country. Daniel Chipman, Federalist, offered a substitute, 'that the constituted authorities having declared war . . . whatever may be our opinion . . . it is our duty, &c.' This was defeated, one hundred and twenty-nine to eighty. The original resolution passed. Heman Allen voted for it. He was elected Chief Judge of Chittenden County. Dudley Chase, who had been Speaker many years, was elected United States Senator. Hathaway's petition for suspension of arrest for eight years was rejected, though several were relieved from arrest for terms of from one to five years. Heman Allen and W. C. Harrington were elected trustees of the University of Vermont. Heman took an active part in all legislation. This was the beginning of his long and brilliant political career, in which his uncle, had he lived a few years longer, would have rejoiced.

While the United States was at war with Great Britain, Allen knew it would be useless to attempt to recover from that country, and no further attempt was ever made by him to obtain the necessary depositions establishing the value of his estate. Before closing this, to him, most important incident of his life, let us examine what his heirs did in this matter after his death.

On December 9, 1830, our Minister to England, in accordance with instructions from the United States Government,

presented to Lord Palmerston the memorial of Ira H. Allen to the President of the United States, dated April 13, 1829. As the 'sole heir at law,' he recited what befell his father in the purchase of arms and what has been told in previous chapters. The memorial was accompanied by many affidavits, and by the following detailed bill against the British Government:

1796 Nov 19<sup>th</sup>

To 15000 muskets with 15000 bayonets worth in the U.S. as per Certificate of Mr. Nourse 37s. \$13.40 \$201,000

To 21 brass four pound field pieces

2 gun carriages no price extended

All captured, detained and finally lost to claimant.

To interest on above sums to time of remuneration.

To 5000 Muskets with 5000 bayonets \$13.40 67,000

3 Brass four pound field pieces

3 gun carriages & 6 Cannon Wagons

no price carried out.

All left at Ostend, and lost to Claimant by reason of the capture and detention as above.

To Interest on above sums to time of remuneration.

To amount of value of claimant's private fortune, consisting of 200,000 acres of land in Vermont estimated to have been worth in the year 1795 \$500,000

All lost to claimant, by reason of the Capture and detention as above, as per vouchers herewith Nos. 1-2-3-4-5 and 6.

To Interest on above sum to time of remuneration.

To amount of claimants' and captors' expenses 15,095

To Interest on the same to time of remuneration.

(Signed) HEMAN ALLEN

*Agent of the Memorialist*

This claim would then amount to more than \$2,500,000. It was in the form Ira Allen had so earnestly urged Heman and his sons to prepare.

In the British Foreign Office, Record No. 5263, is filed a full statement of the case as made to Lord Palmerston. It is there stated as we know it, and in addition that the claimant furnished affidavits to the 'Court of Appeals, dated Dec. 30, 1801, Sept. 25, 1802, and Dec. 8, 1803 and on the 22<sup>d</sup> Feb. 1804. The cause was finally heard.' They fail to state that these later affidavits were furnished, not at the instance of Ira Allen, but by the direction of Bird, Savage and Bird. The memorandum further states that no claim was ever made by Ira Allen against the British Government during his lifetime.



Now after a further interval of 16 years [after Ira Allen's death], making in all nearly 27 years from the date of the decision, the Son of the Claimant, for the first time advances a claim for redress of the injustice alleged to be done to his Father; and, representing that his Father's originally large property was totally wasted away in consequence of the detention of the Olive Branch and the unjust procrastination of the trials — he claims from the British Government the restitution of a capital of 783,000 Dollars (about £176,000), together with interest up to the date of actual restitution. All the reasons which the present applicant alleges for the long delay of this claim are contained in the following passage, at the close of the memorial to the President of the United States.

Its earlier presentation has been delayed by the subsisting difficulties between the two nations prior to the late war, by the subsequent death of Genl. Ira Allen — and by the fact that until lately your Memorialist had not come to a proper knowledge of his rights, or possessed the means of presenting the same to a final termination. What that 'knowledge of his rights' is which was formally wanting — or what those 'means of prosecuting' them are which have recently been obtained, the applicant does not explain. All the means which he appears to have employed, are confined to drawing up a memorial to the President of the United States, which does not appear to contain any one fact or allegation which had not been produced at the date of the Decree in 1804, or which is not to be found in the printed statement of the case, apparently published at the time, except the fact of his father's insolvency at the time of his death, alleged to have been brought on by these proceedings; and even this destruction of his father's property is stated to have been principally effected during his absence in Europe between 1795 and 1800.

Ira H. Allen never realized until he was forty years old the strong claim his father had for redress from England. His 'means' may have meant that he had money now (1830) and some influence, as Heman Allen had been a Congressman, recently Minister to Chili, and stood high in the estimation of the President of the United States.

The report made by the Court of Admiralty to Palmerston reads:

These books [Nos. 13-14-15] give a record of this case in court, but show nothing further than is shown in Ira H. Allen's [son's] claim. They detail no evidence produced by Haseltine as representing the Admiralty Court. The evidence brought in by Slade, Allen's attorney, has already been shown.

This is positive proof, as Allen often stated, that not one bit of evidence was ever produced against him. This memo-

rial was given prompt attention. Evidently the United States was respected a little more in 1830 than in 1805 and 1806, when Madison instructed our Minister Monroe to lay Allen's case before the British Government. If the statement made to Palmerston is true, Monroe never made a claim on the British, as he was instructed to do. Palmerston wrote the following note for his Secretary on December 11, 1830:

Prepare letter according to this draft Memorandum [just quoted] and stating that, upon a full view of the circumstances of the case, I feel bound to say that it is not one in which any pecuniary allowance can be made by the British Government. All persons seeking redress from competent legal Tribunals ought to produce to such Tribunals such evidence as may be necessary for the purpose of establishing their case and they can not expect other parties to indemnify them for any inconvenience or loss which may arise from a delay created by their omitting or failing to substantiate by proper and adequate proof the case upon which their claim may be founded.

The case was established and there were no 'other parties.' England alone was liable. The ship and guns were taken, and held by England for political reasons. Allen's papers were regular. The Court of Appeals, which is England, delivered them on bail and held them so long that the bail became bankrupt. England's court then decided the arms belonged to Allen; in other words, they never should have been captured or held. No new evidence was the cause of this decision in 1804. Allen produced all the evidence early in 1797. Our Government never pressed the matter and nothing was recovered. This was only one of hundreds of similar cases in which England refused to acknowledge responsibility.

Louis McLane, Minister to England, knowing Heman Allen, took a personal interest in the case. Heman employed the celebrated lawyer James Kent. The following letter gives Heman's views:

BURLINGTON, 18, October, 1831

DEAR SIR:

I have now the honour to enclose to you the answer of the British government, rejecting the Claim of the Olive Branch, with accompanying remarks, by the Secretary of State [Martin Van Buren]. I had supposed that the objections would have rested, upon the conclusion of the treaty of peace, and not upon the *lapse of time*, between the final decree of the Court, and the application for redress, and I am therefore induced to enquire, whether you think, that the

same objection, as to time, will be available, in the application you are preparing, to this government?

HEMAN ALLEN <sup>1</sup>

HON. JAMES KENT

Kent's statement and opinion follow:

#### *Facts*

1. The claim is one against the *British Government* for injuries and losses, arising from the *injustice* of its regular prize *Tribunals*, between 1796 & 1804.
2. In 1805 the *American Government* instructed its *Minister at the Court of London*, to apply to the British Government, to make up the loss arising from the *injury* committed in that case.
3. We hear no more of the case on the part of the United States, until war was declared in 1812, by the United States against G. Britain, for injuries committed upon American rights on the Ocean, by seizures, impressments & confiscations, under various pretexts, — and Mr. Madison, in his Message of 1, June 1812, among other causes of war, states generally, that 'our vessels returning with the lawful proceeds of our industry, were arrested from their lawful destinations, and confiscated by *prize courts* no longer the organs of public law &c. [This charge hit the very case.]
4. The treaty of peace of December 1814, took no notice of this, or any other claim for antecedent spoiliations at sea, or for any other injury, for which the government of G. Britain, had previously to the war, been held responsible.

#### *Opinion*

The claim in question, was remitted by the Treaty of peace.

All rights and claims between Governments and Nations, are remitted by a Treaty of Peace. The claim in question was one that swelled the list of grievances before the war. It was even treated as such by the United States. Not being brought forward, when Peace was made, it was, like all other Complaints, that *Government* was entitled to make, merged in, or waived by the Treaty of Peace. This is the rule of Publick law. Grotius, b. 3, C. 20, Sec. 19. It is the rule, that the British authorities follow. Sir W<sup>m</sup> Scott — 1 — Dodeon, 249,396.

Rights and claims that survive war, and are not affected by Treaties of Peace, are *private claims* against *individuals*, and not claims against the Government.

Grotius, b. 3, C. 20, Sec. 16, 18.

Pattel, b. 4, C. 2, Sec. 22.

3 Wash. Civ. Rep. 484.

What, then, is the remedy, and where for the party aggrieved?

The proper answer to the question is, the government of the

<sup>1</sup> *Allen Papers*, University of Vermont.



U. States, is under just obligation to indemnify all those of its Citizens, *whose claims upon Great Britain*, it was deemed expedient to *sacrifice by the Treaty*. For this see

Grotius, b. 3, C. 20, Sec. 7.

Chase, J., in 3 Dallas, 245.

This was Ira Allen's opinion as expressed in his many letters. Had he lived, he would have endeavored to have had his claim mentioned or provided for in the treaty. It was to accomplish this that he had urged haste in obtaining an appraisalment of his lands.

## CHAPTER XLI

### SPANISH-AMERICAN AFFAIRS

1813

DURING the previous year, Allen had become well acquainted with several Spaniards, who were anxious to establish a Republic of Mexico. Allen's experience made his advice worth seeking and that which he gave them at this time further evidences his statesmanship. The following letter was presented to Secretary of State James Monroe, early in January:

PHILADELPHIA *November 19, 1812*

SIR: I have been acquainted with the bearer, Don Joseph Toledo, ever since his arrival in the United States by lodging most of the time in the same house with him, which, with particular confidential interviews on the objects of his pursuit for the independence of Spanish America, enables me to assure the government of the United States that full confidence may be placed in him. That his knowledge of Civil and Military government will be an acquisition to Mexico. That the Printer &c he takes with him will be of consequence in extending information & introducing civil government. [Allen believed in the printer.]

Mr. Toledo's preparations have been much deranged by the proclamation of Governor Clabourn and the intrigues of men opposed to the independence of Mexico & I might add the best interests of the United States.

Want of health has prevented me from giving Mr. Toledo all the support I could wish & paying my respects to the President and yourself.

IRA ALLEN

TO JAMES MONROE

Allen wrote many letters to General Toledo, Mr. Pickard, and Colonel Barnardo, when they were in Mexico. He advised them on European matters, the progress of the wars in Europe and the United States. He advised them, as they progressed through South America, to urge upon the several countries to send ministers to Washington.

I may say that no government on earth can feel such cordial friendship for the new & rising Republics in the South as the United States. Ministers arriving at Washington from all the grand divi-

sions of Spanish America would be received in a polite manner & the interests of the several countries candidly investigated & as soon as consistent be publicly acknowledged. Should any sufficient reasons require delay, measures would be immediately taken to remove such obstacles, in the mean time measures could be perceived for strengthening the confederation you are about to establish through the Spanish Colonies. Such Ministers would virtually form a Congress to consult mutual interests & make such reports to their respective governments as political events and circumstances may require. Such measures cannot fail to hasten the permanent establishment of said Republics.

The Pan-American Union was established one hundred years later.

Toledo and Barnardo had become estranged, and Allen, on September 14, wrote Pickard that he had written to both that 'it is necessary that the friends of the Independence of Mexico should be united in the most solid friendship, for you have powerful & enterprising enemies to contend with . . . to prevent your success. But by steady perseverance & not hazarding too much at once I am confident you will succeed.'

On September 28, Allen wrote a confidential letter to General Toledo, Governor Barnardo, and Mr. Pickard, stating that he would be glad to forward any letters they wished to send to South America, and was quite sure he could send them by privateers fitting out in Philadelphia. He also offered his services in buying supplies for the army if they would send him lists of what was required

and such sums of money as may be convenient for you to furnish (as I know you will be scarce of money until you can make further advances into the Country) and I will regulate my finances so as to give you additional support. But having been some years confined in this city in bad health, it will take some time to make the necessary arrangements which I will accomplish so as to send you some supplies to Pittsburgh in time to go down the Ohio as soon as the ice is out in the spring & all matters considered I think it will be seasonable, for making too much stir in the United States before you are prepared may stimulate sending troops from Europe.

He then advised how in his judgment they could raise troops. Mrs. Toledo left Philadelphia to join her husband in Mexico. Allen wrote her, October 7, expecting the letter would overtake her at Pittsburgh, stating that the day before she left he had received word of the death of his youngest son and he was



obliged to 'seal' his letters to General Toledo 'and leave the rest open to correct.'

On the same day he wrote to James Monroe, Secretary of State, stating that he had been disappointed in sending his letters and enclosing a packet with copies of his former letters and the originals just written, requesting him to read them and then seal them and send them to the agent of the United States in Mexico by a messenger if any is going; if not, after they are sealed post them. 'I shall make the President & your honor a visit before the meeting of Congress.'<sup>1</sup> It has been intimated that Allen was involved in this revolution, but he did nothing beyond the limits approved by the United States Government.

It was a relief to have something to engage his mind, for he could do nothing concerning his claim until the war was over. During this year he was confined to his bed much of the time.

Bowne, on April 13, wrote Mitchell, urgently requesting a statement and some money. 'I have repeatedly mentioned to you the different sums I advanced to Heman Allen, the last was \$200 cash sent him to Hartford, when Zimri was sick there.'<sup>2</sup> Zimri died at his birthplace, Colchester, Vermont, on August 22, 1813, at the age of twenty-one years. He had shown evidences of more than average ability, and his death undoubtedly hastened his father's end.

<sup>1</sup> *Toledo Letters*, Library of Congress; Wilbur Photostats, University of Vermont.

<sup>2</sup> *Mitchell Papers*, University of Vermont.

## CHAPTER XLII

'HE HAD FOUGHT THE GOOD FIGHT AND HAD KEPT  
THE FAITH, AND WOULD RECEIVE THE CROWN  
OF RIGHTEOUSNESS'

1814

BEFORE closing the record of Ira Allen's life, it may be of interest to learn what befell those who had caused the unhappiness of his last years. Brigadier-General William Hull, on January 3, 1814, was summoned before a court-martial for having surrendered Detroit to the British. He was tried and found guilty of cowardice and neglect of duty and sentenced 'to be shot to death.' On April 25, President Madison approved the sentence, but on account of Hull's services during the Revolution his 'execution [was] remitted.'

Bowne in New York, on October 10, 1814, suspended payment.

Silas Hathaway, who had spent many years in jail, was now at liberty, but his old partner, the Quaker Bowne, in 1817 put him in jail again. On June 20, 1820, Hathaway wrote to his father from Longuail, Canada, that he had found some employment to keep him until he could hear from him, although he felt the effect of 'lying in that teresterel Hell &c rivited to the floor in the month of February without any fire and one thin coverlet to cover two of us. Being under the false pretence that I should burn the Gaol . . . Lord Homes was jailer, ask him if I ever broke jail except when he gave me tools to work with.' <sup>1</sup>

John A. Graham, who had moved to New York, continued his rôle of swindler. In 1825, he wrote to Hathaway, who had gone South, as a partner with him in a gold mine scheme in North Carolina, 'Get just enough ore to demonstrate the fact.' <sup>2</sup>

The reverse of the picture of these swindlers is the record of

<sup>1</sup> *Stevens Papers, op. cit.*, Wilbur Photostats, No. 3094, Library of Congress and University of Vermont.

<sup>2</sup> *Ibid.*, No. 3041.

one who had proved loyal. Heman Allen, the son of Heber, whom Ira Allen had adopted, was born in Poultney in 1779; had graduated at Dartmouth College in 1795; he adopted the profession of law, but did not practice, devoting the next ten years to Ira Allen's business. He was elected sheriff of Chittenden County in 1808-09, and Chief Justice, Chittenden County, in 1811-14. An active member of the Legislature of Vermont, 1812-17, during the War of 1812, he was quartermaster of militia, with the title of brigadier; trustee of the University of Vermont, and elected Representative to Congress in 1817, but resigned in 1818 to accept, from President Monroe, the office of United States Marshal for the District of Vermont. In 1823, he was appointed Minister to Chili, resigning in 1828; in 1830 he was appointed President of the United States Branch Bank at Burlington, which position he held until the expiration of the bank's charter. He was happily married and raised a fine family. He died April 9, 1852, at the age of seventy-three, respected by all who knew him.

He was influential enough in Washington to obtain for Mrs. Ira Allen's mother, a short time before she died, a pension of forty-six hundred dollars for the service rendered by her husband at Bunker Hill and his service, with Arnold, in 1775, in the attempt upon Quebec. Enos had turned back and was censured, but had proved his desertion was forced upon him by his men.

In this connection, it may be noted that a careful search of the records does not disclose the name of Ira Allen as ever receiving any pay for his services from May 1, 1775, when he became a lieutenant in Seth Warner's regiment, until he left Quebec in February, 1776, after Montgomery's death; nor does his name appear as receiving any compensation, on any of the Vermont pay rolls, although he was the colonel of a regiment.

The following letter was received in Vermont the last of January:

PHILADELPHIA 22nd January, 1814

*Heman Allen, Esq.*

DEAR SIR:

It is with much pain I have to inform you of the death of General Ira Allen. You know that his health for a long time past was de-



clining. During the last week he was extremely debilitated and on Saturday evening [15th] died without a groan and apparently without pain. The physician states his disorder to be retrocedent gout.

I am, Sir, very respectfully Yours,

JOHN P. RIPLEY

Mr. Ripley lived at the same address as Allen — 99 South Fifth Street.

None of the family went to Philadelphia; indeed he was buried before they heard of his death. It is not difficult to visualize a few loyal friends carrying the remains the short distance from the house to the burial ground of the Free Quakers on Fifth Street.

There were four hundred and thirty-two burials in this old cemetery from 1786 to 1859, and during the Civil War, as it was near one of the hospitals where many soldiers died, a large number were buried there. The old Quakers possessed little vanity and few of their graves were marked with headstones. None of the graves of the soldiers were marked. After 1870, the cemetery became a place for accumulated rubbish and weeds. In a very thorough investigation, made in 1898,<sup>1</sup> no trace of Allen's grave could be found on the surface. When Governor Bell of Vermont heard, in 1905, that the cemetery was to be sold, he appointed a committee to oversee the excavation then to take place. The committee employed Mr. Stevenson H. Walsh, a well-known antiquarian in Philadelphia, to be present and examine the remains of every grave. He did the work most conscientiously, but found nothing to identify Ira Allen's.

The following account was written by one of the trustees of the Free Quaker Society, Mr. Webster K. Wetherill, banker of Philadelphia, and of the Wetherills who were among the early settlers of Pennsylvania:

#### FIGHTING QUAKERS' BURIAL LOT

The Religious Society of Free Quakers in Philadelphia, sometimes called the 'Fighting Quakers,' held title to a plot of ground on Fifth Street, which had been given to them by the State of Pennsylvania shortly after the Revolutionary War, as a burial ground for their people. In this lot, many interments had been made of the remains of persons who had not provided for themselves any burial lot, such as soldiers who died in the hospitals of Phila-

<sup>1</sup> *Burlington Free Press*, November 30, 1898.

delphia during the Civil War, of which there were supposed to be about 500 interred in this lot, and many members of the Society, some of whom were prominent in the struggle for independence. As there had not been any interments in the lot for a great many years, and such city lots were no longer allowed to be used as burial places, there was, for many years, a movement in the Society to sell the lot, feeling that, as the property had become very valuable, the Society should make some better use of it than allowing it to lie idle and neglected.

This movement was opposed by some members of the Society, feeling that it was a historic spot and that it was improper to disturb the remains of those who had been interred there, and that it was sacred ground which should be preserved for a burial lot, and that the remains of those who had died for their country should not be disturbed from the ground in which they lay.

Col. John Macomb Wetherill, an active member of the Society, feeling that ultimately the desire of those who wished to have the property sold and the proceeds used for charitable purposes would prevail, left in his Will that some graves which were shown by a few stone markers in the woods on his Fatland Farm on the banks of the Schuylkill should be surrounded by a proper stone curb and iron fence, and that such space should be provided and enclosed as would permit of the removal of all the remains in the Free Quaker Burial Lot to the Fatland Farm, and he left the title to that plot thus marked out to the Religious Society of Free Quakers, and left money to the Society to keep the lot in good condition, and directed that the lot should be kept as a place of interment for any of the descendants of his father, Dr. William Wetherill, and for the removal of the remains from the old Free Quaker lot on Fifth Street.

According to the plan thus defined by him, the property was sold for \$55,000, and a trench was dug eight feet deep all across one end of the lot and then the dirt was moved at that depth back into the trench all the way down the whole length of the lot, being carefully examined as it went, so that all the remains that were found were put into separate boxes and all transported to the Fatland Farm Burial Ground.

As there had not been any interments in the lot since the Civil War, there were no remains which could be identified, and no bodies of any particular Revolutionary persons were found except those which lay under the stone markers including Samuel Wetherill, Timothy Matlack and a few others whose remains were taken up and placed again under stone markers in the new burial ground.

The money thus received from what some believe a desecration of historic ground, was invested in loans of the City of Philadelphia and the proceeds is yearly distributed by the Committee on Charity of the Society, in the form of coal orders for cases of special need of the worthy poor.

Fatland Farm is located on Egypt Road, on the east bank of the Schuylkill River, just about opposite the historic ground of Valley

Forge. The bridge at Port Kennedy makes the farm, by the way of the road, about two miles from the extreme end of Valley Forge Park, and about four miles from Washington's headquarters.

PHILADELPHIA, *May 2, 1924*

No Vermonter should visit Valley Forge Park without also visiting this near-by quaint little spot which holds all that was left of the old Free Quaker Cemetery, and is the last resting-place of Vermont's noblest son, Ira Allen.

Allen's estate was valued at only seventy dollars. It is difficult to understand why Heman or Mrs. Allen did not manage in some way to send enough money to Mr. Ripley to purchase a small marker for his grave. That Heman was obliged to borrow two hundred dollars from Bowne during Zimri's illness is evidence of their lack of funds and their inability to obtain any in Vermont.

The city directory of Philadelphia gives General Ira Allen's address, in the issue of 1809, as No. 5 George Street; in the issues of 1810 and 1811, as No. 32 South Sixth Street. There was no directory published in 1812. In the issues for 1813 and 1814, 'Ira Allen, Gentleman,' is given as residing at No. 99 South Fifth Street. The name of Mrs. Finch or of her mother does not appear in the directory and it is not known whether they were with him when he died.

Ira Allen had, on September 13, 1789, deeded to Jerusha Enos the township of Irasburgh, Vermont, containing twenty-four thousand acres, as a wedding present. It was a generous and, for those times, a princely gift. Mrs. Allen never regarded it as worth much until Heman, about 1810, told her of its value. It was through his efforts that it was saved to her, for it was not overlooked by the land-grabbers in and out of The Legislature. It was taxed, and Heman was obliged to pay the taxes, but he had his own people appointed to the offices and thus was able to retain possession of it. Ira H. Allen went there during this year and made it his home thereafter, with his mother and his grandmother Enos, who had lived with them many years. When his mother died, May 16, 1838, two months after her mother's death, both estates went to Ira H., which made him a rich man for those times. He was worth, probably, from three to five hundred thousand dollars, and all of it came from his father, who died too poor to have a gravestone.





CEMETERY NEAR VALLEY FORGE  
Where the remains of Ira Allen are buried



Ira H. Allen was elected to many offices of trust, was president of the bank of Irasburgh, built a courthouse in the town, and, until his death on April 29, 1866, at the age of seventy-six, was the leading citizen, much beloved by all if contemporary records can be believed. Those who knew him well said that he did not add to the estate his mother left him; nor did he squander it. He left his fortune to his son, Charles P. Allen, and two daughters, Sarah M. and Mary F. Allen. At that time there was an internal revenue tax on 'legacies or distributive shares from personal property,' and the tax paid was \$1515.85, on some one hundred and fifty thousand dollars, which quite likely was a low valuation of his personal property, such as bonds, stocks, and cash. In addition, there was still a large part of Irasburgh, some of which is still paying rent to his heirs.

The Legislature met in October, 1814. It was controlled again by Federalists, and no mention of the death of the founder of the State appears on the record.

THE END





## APPENDICES





I  
SOME  
MISCELLANEOUS REMARKS  
AND  
SHORT ARGUMENTS,  
ON A  
SMALL PAMPHLET,

Dated in the CONVENTION of the REPRESENTATIVES of the STATE  
of NEW-YORK, *October 2, 1776*, and sent from said CONVENTION  
to the County of CUMBERLAND.

AND

Some REASONS given, why the District of the *New-Hampshire*  
*Grants* had best be a STATE.

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By IRA ALLEN.

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HARTFORD:  
Printed by EBENEZER WATSON, near the  
GREAT BRIDGE  

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M.DCC.LXXVII.

## PREFACE

*The following impartial work was undertaken by and at the request, of the General Convention of the district of the New-Hampshire Grants, and many matters of fact are here inserted, as a short state of the disingenuous cunning of the former government (now State) of New-York, towards the inhabitants of said district. Which are humbly dedicated to the candid reader, by the author, for the good of mankind*

## SOME MISCELLANEOUS REMARKS, &c.

OUR Author informs us in Page 7th and 8th, viz. 'It is unquestionable, that the jurisdiction of this State over the territory which now comprehends the County of Cumberland, is co-eval with its first formation as a colony under the crown of Great-Britain.'

It is a fact notoriously known, by those that are acquainted with the history of the former government of New-York, that that government did not extend so far north as the city of Albany, until the accession of King William and Queen Mary to the throne; then we find a commission from their Majesties, to Henry Slaughter, to be materially different from those of the respective Governors of New-York before. King William and Queen Mary by their commissions dated the fourth day of January in the first year of their reign, appointed Henry Slaughter to be Governor of the province of New-York, and the territories depending thereon, in America.

Before the accession of King William and Queen Mary to the throne, plantations were extended northwardly, either on patents procured immediately from the crown or government, or mere settlements on extra-provincial lands, in which the city of Albany was included.

The enlargement in the Commission to Henry Slaughter was in these words, viz. 'And the territories depending thereon in America.' These territories are that extension of jurisdiction beyond their first circumscribed limits, terminating south of Albany, called the province of New-York. This territorial extension of jurisdiction was altogether in the arbitration of the crown to curtail or extend; this being the case, the respective Governors can no otherway be judges of the extent of jurisdiction, but by directions given them in their commissions, together with his Majesty's express proclamations and public determinations relative thereto, as in the instance of the royal adjudication in 1764, a publication of which, by his Majesty's orders, gave his subjects to understand, that it was his pleasure, that the territorial jurisdiction of New-York should extend to the west banks of Connecticut-river, which includes the counties of Cumberland and Gloucester within that government. Before this, it was impossible for the subjects to know it; if they could have known it without his Majesty's proclamation certifying the same, such proclamation would have been needless and impertinent: The truth of the matter is, his Majesty in 1739, determined that New-Hampshire government should cover the present county of Cumberland: He altered his determination in 1764, whereby New-York extended its territories over the county of Cumberland, and for any gentleman to amuse people of common sense, that 'it is unquestionable, that the jurisdiction of this State,



over the territories which now comprehends the county of Cumberland, is co-eval with its first formation as a colony under the crown of Great-Britain,' is the height of folly. It was in the nature of things absolutely impossible his Majesty himself should have known that to have been the case the moment before he determined it, and equally inconsistent, that the subjects should know it 'till his Majesty proclaimed it.

Our Author further inserts in page 8, these words, viz. 'And implying a latent design, by a future separation from the state, to leave the whole burthen of the present cruel and expensive war to be sustained by the rest of the Community.' This is indeed a very extraordinary way of arguing, and in particular for the Honourable the Provincial Congress to assert. It is well known to that State, that it was ever disagreeable to the inhabitants of the New-Hampshire Grants to be within the State of New-York, and that there has been much talk of separating from said State, and should the county of Cumberland absent from said State, and connect with the State of the Massachusetts-Bay, or should they connect with the rest of the New-Hampshire Grants, and form a new State, it is not to be even supposed, but that we should pay our proportion, according to our abilities, of the expences of the present war. It is not reasonable if one of the United States should be more prest with powerful armies than any other, that they ought or will pay any more for that, or if one State should raise more men, according to their numbers, to join the main army, or to scout in their own frontiers if need be, than the rest, that they ought in justice to bear any more of the burthen than any other State; (but, in consequence of their being harrassed by the enemy, they ought not to pay so much.) But in the sequel of the war the whole expence will be made in one bill by the Honourable the Continental Congress; then each State will share equally the blessings of the glorious victory, by which all the liberties, granted to our ancestors, by the supreme Governor of the universe, may be kept inviolate and handed down to the latest posterity, and if one State has done more than their proportion, it will be remitted to them again to their everlasting honour, for exerting themselves to maintain the liberties God has given us; if each State have done their equal proportion, then consequently each State will pay their proportion, according to their abilities, until said Bill is discharged.

Our Author asserts the following lines in page 10. 'And the success of the great cause in which the whole continent is engaged cannot but be weakened by dissention and by countenancing the factious and self-interested.' This objection, at first view, seems to be important, but upon examination will vanish. I readily agree that it would be matter of lamentation, that when we are jointly engaged in a bloody contest, merely to oppose arbitrary power, without us, that we should have occasion to contend against the same within ourselves, especially by those who profess to be friends to liberty. I imagine this objection arises for want of due

consideration; we are much mistaken in our views, if we are not proposing that and that only, which will prevent contentions and divisions taking place amongst us, and that which will have the most happy effect to unite us in indissoluble bonds of union and friendship, by forming the whole district of the New-Hampshire Grants, into a new and permanent State, in which all the free and natural rights of men will be protected to the latest posterity. Certainly if the observations I have made are just, the objection must cease in the mind of every reasonable, person; for if we consider that oppression was the cause of this unnatural war, and the oppressions this district has received from the Government of New-York are similar (which I think may plainly appear) are we not pursuing the same general cause? The only difference is, that we are contending against the same enemy within, that is also without, and certainly, if arbitrary power without us ought to be punished with vengeance, that within ought to have seven-fold; therefore we are persuaded, that every one who is a true friend to the liberties of mankind, and has any sense of his own or posterity's good, will think the case well deserves a serious consideration and ought to be referred to the Honourable the Grand Council of the United States of America, for their wise deliberation and determination, which is our ardent wish.

God gave mankind freedom by nature and made every man equal to his neighbour, and has virtually enjoined them to govern themselves by their own laws.

Doubtless you remember in antient times, every man sat under his own vine and fig-tree and there was none to make them afraid, and when it became necessary for them to have some rules and laws to govern themselves by, every man appeared personally, under their own fig-trees in council, and harmoniously agreed on rules to be governed by; they also worshiped the deity in the open air; but in process of time, to shelter themselves from the inclemency of the weather, they built houses for that sacred use, then, by the increase of men, it became necessary for some divisions and they divided themselves into tribes, each one governing his own internal policy, &c.

Since the propagation of settlements through the world, it is become necessary for the sake of good order and government, that the inhabited part of America should be divided into governments or States, counties, towns, &c. for the convenience of its inhabitants, though not for the aggrandisement of any particular place or number of men, but for the mutual advantage of the whole; it was not the free voice of the people of the New-Hampshire Grants ever to be in the government of New-York, but was an express order from the crown in the year 1764, and was unknown to most of the inhabitants of said grants, until his Majesty's proclamation appeared certifying the same.

By the declaration of Independence all laws and connections with the British Court were dissolved, which left all kingly govern-



ments destitute of any law or established mode of government, and since each State is preparing a new mode of government, to establish as a free and independent State of America, and as the design of forming governments was meant for the mutual benefit, peace and happiness, of the present and future ages, I see no reason why any county or counties, community or communities of people, may not assert their free and natural rights and liberties, which was given them by the God of nature, and if the royal tyrant of Great-Britain did pass an order extending the territorial jurisdiction of New-York to the west banks of Connecticut-River, for some sinister views to the crown (or by the influence of some designing gentlemen in New-York) and contrary to the free voice of the inhabitants of the whole district of the New-Hampshire Grants, as it rendered the situation of the inhabitants very disagreeable in many respects, and one on this hypothesis unmovable, viz. their local situation, as some of them are upwards of four-hundred miles from the seat of government at New-York. This order may be well accounted one of the cruel acts of the crown, and as the Honourable the Continental Congress, did, on the fourth day of July last, declare the United Colonies of America to be free and independent of the crown, which declaration the people of the New-Hampshire Grants have most cordially acquiesced in, by forming an association, binding themselves, by all the ties held sacred amongst men, to exert themselves to defend by arms the liberties of America, as also by many votes of their General Convention of later dates, and whereas by said declaration, the arbitrary acts of the crown are null and void in America, consequently the jurisdiction by said crown granted to the government of New-York, over the people in the New-Hampshire Grants, is totally dissolved, so that the veil of New-York is not left over any part of the New-Hampshire Grants.

It has been before observed, that the design of forming governments, was meant for the mutual benefit, peace and happiness of the present and future ages, therefore, since the dissolution of the British power in America, all power, as it was in the beginning, naturally revolves back on the people; it therefore now stands every individual in hand to see what way and mode of government they adopt, as also the boundaries of each State, together with the natural genius, habit and temper of the people which are to make and constitute one body politic.

And now, as I view it, we are probationers to act, not only for ourselves, but for posterity, even, in some degree, as it was with Adam in his original purity. He transgressed the divine law, thereby brought sin and misery on himself and posterity, which deprived his successors of those liberties and mansions God had given him. Each man is accountable to his creator for the part he now takes, for on the conduct of the present age depends the liberties of millions yet unborn.

Since this vast continent has made this noble stand, have and



still continue to wield the sword of liberty, to preserve inviolate the freedom of the present and future ages, and are about to establish new and free States under the authority of the people, it behoves us, as inhabitants of the New-Hampshire Grants, to view with candour our own situation.

We principally emigrated from the New-England States, the former laws, rules and regulations of which, were nearly alike; in consequence of which, the inhabitants of said Grants, have been taught in one way; their genius and customs have been so near correspondent, that there is the highest probability, that they would unanimously agree on a mode to govern the internal policy of a State, with the greatest unanimity, which is one of the greatest blessings ever bestowed on a free people.

On the other hand, the former laws, rules and regulations of the government, now State, of New-York, have been so materially different from those we have been accustomed to, and considering the conflict that has subsisted those many years between this district and the said government, there is the greatest reason to believe, that should this district connect with that State, to make one body politic, there would be as little hopes of reconciliation's ever taking place between them, as there would be between Great-Britain and the United States of America, which must render the situation of both very unhappy.

Witness a resolve, viz. 'In Convention of the representatives of the State of New-York, at Harlem, August 2, 1776. *Resolved Unanimously*, That all quit-rents formerly due and payable to the King of Great-Britain within this State, are now due and owing unto this Convention, or such future government as may be hereafter established in this state.

*Extract from the Minutes,*  
ROBERT BENSON, *Secretary.*

It is to be here noted, that those Grants that derived from New-Hampshire pay one shilling proclamation money, and those from New-York, half a crown sterling on each hundred acres, when in the antient part of the province of New-York, Livingston's Manor, a tract of land about twenty miles square, pays but one beaver's-skin annually, as quit rent; and Bateman's Patent, a valuable tract of about ninety thousand acres, pays only a quit rent of three pounds ten shillings; in fine, all the old settled part of the province pays no more than a trifling acknowledgment.

Thus it appears by the above resolves, and by a small pamphlet, dated in Convention, the second of October 1776, and sent from the Honourable the Provincial Congress of the State of New-York to the county of Cumberland, that the said present Honourable Congress, have passed some unreasonable and oppressive resolves: A very extraordinary way indeed to collect a sum of money to defray public expence, after the former government of New-York had by cunning, fraud, threats and deceit, terrified and seduced the inhabi-

tants of some townships to take regrants of them, at the extortionate price of even 2300 dollars for a township and on said subsequent patents, was added more than a three fold quit-rent.

This act of the former government carries the colour of tyranny in its very visage, and is plain to be seen by the weakest capacity.

I cannot see why there is not as much tyranny in taking this three-fold quit-rent, since the dissolution of the British power in America, as there was in giving the subsequent patent, for it is still holding up in existence, one of those cruel acts, which induced us to take arms and join our brethren in the several United States, to defend the liberties of the whole.

By this the candid reader will easily see the almost infinite disproportion of collecting money for public expence.

To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is a state of perfect freedom, to order their actions and dispose of their possessions and persons as they shall think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man. (*Lock.*)

A state also of equality wherein all power of legislation is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature and the use of the same faculties, should be equal one amongst another, without subordination or subjection, only what is absolutely necessary to keep up good laws, rules and regulations amongst mankind.

The natural and just rights of a free people is first, the making and, secondly, executing their own laws: On these two branches depends the liberties of a free people, and are guarded by having the controul of those branches in their own hands. And now the inhabitants of the district of the New-Hampshire Grants, being invested with such powers as the God of nature has blessed them with; although Delegates from the counties of Cumberland and Gloucester have been admitted to sit in the Honourable Provincial Congress of New-York, yet the following will plainly demonstrate, that they were not legally chosen by the inhabitants of said counties at large; for it would be unreasonable, even to suppose, that the inhabitants of said district of the New-Hampshire Grants, should ever consent to delegate their right of legislation by this mode of a representation, and thereby consent to unite with a power, with whom they had been for a number of years earnestly contending, without any hopes of redress.

That in consequence of circular letters from said Congress of New-York, dated May 31, 1776, requesting the counties of Cumberland and Gloucester, to send delegates to sit in Convention and assist them in making and establishing a code of laws for said State, the following method was made use of in choosing the three Delegates for the county of Cumberland, viz. The three first in nomination for whom the greatest number of votes appeared, were de-



clared accepted without allowing a negative voice, when at the same time it was generally conceded to by the said County Convention, that it was contrary to the free voice of three-fourths of the inhabitants of said county, to elect delegates to represent them in Convention aforesaid, or to be otherwise connected with them; so that by this method of choosing, if one man has ten votes, another five, and another three, they would be severally chosen by the people at large, to assist in the establishment of a code of laws, by which the whole are to be governed. True this mode of choosing is a sure and quick method of getting a choice the first attempt, and where a community are agreed in the mode, is justifiable, but this mode would be very wrongly applied to these counties, considering the aged conflict which has subsisted so long, and with such impetuosity, as to spill the blood of several of its inhabitants. It ever was and still is disagreeable for the inhabitants of those counties, to be and remain within the jurisdiction of New-York, therefore, according to natural liberty, a vote should have been first obtained for choosing delegates, and secondly (if that were compleated) the mode of choosing; that is, the inhabitants of each town, in their public town meeting, appointed for that purpose, to deliver to the Moderator or clerk, their votes severally, in writing, which votes to be carefully sealed up in the presence of such meeting and properly conveyed to some meet person, duly appointed to receive and deliver the same to the chairman of the county committee, who, with a quorum, is to compleat what is further necessary thereon; but not in the clandestine way of designing men's going to the habitations of private individuals to collect votes.

In the County of Cumberland there is upwards of two thousand voters, out of which there was but three hundred and sixty-eight in favour of electing delegates, to sit in the Honourable Convention of New-York, viz. For Colonel Joseph Marsh 358, For Captain John Sessions 172, and for Simon Stevens, Esq; 166. Six or seven towns in said county did at the same time enter their protest against election, and even the county committee, who gave the Delegates their credentials, did restrict them to particular instructions, reserving to themselves, in behalf of the county, a right of absenting from the State of New-York, whenever a suitable opportunity would admit thereof; yet, Messrs Sessions and Stevens, two of the delegates of Cumberland county (if I may so call them) declared in Congress, that they were chosen by the people at large, that the committee who gave them their instructions and sent the said letter to the Convention, were elected long before their own election as deputies for said county; that their credentials from the county gave them full and unrestrained power in forming a government; that they conceive themselves no farther bound by their instruction, than they shall appear to be right and beneficial; but, that when, even on debate, it should appear, that those instructions might work an injury to the State, or if on any question they should be out voted, they should not consider themselves bound by their



instructions; and further, that as Representatives of said county, they fully acknowledged the jurisdiction of this State over the said county and its inhabitants.

This representation seems to be big with great mischief; for surely if there was any validity in their credentials, there was equally the same in their instructions, for they both derived from one committee, and were both joined on one paper, and all done in one day, and if their credentials gave them a seat in that honourable house, they must consequently follow their instruction or cease to be the representatives of the people, by the same rule that George the third ceased to be our King by breaking his coronation oath.

Thus it appears that out of above two thousand voters, in the county of Cumberland, but three hundred and sixty-eight could be persuaded to vote for delegates, and by no means a majority in the county of Gloucester, and not one on the west side of the range of Green Mountains, in the latter of which is full half of the inhabitants in said district.

By this the candid reader will see, that there has but a very inconsiderable part of the inhabitants in said district, ever attempted to delegate power of legislation to any body politic, and those under particular restrictions: Therefore the inhabitants of said District, have the sole exclusive and inherent right, to govern their internal police; in consequence of which, it now behoves every one to be critical in establishing a plan of Government, for it will be like a seed sown, which will spring up, with boughs either extending to secure the liberties of Millions yet unborn, or else to skreen the wicked designs of crafty usurpers.

But let us take a retrospect view of the former government of New-York and their conduct towards us, and then candidly consider whether the said State would not be as well off, without the district of the New-Hampshire Grants, as with, and then see if it would not be to the benefit, peace and happiness of the inhabitants of both, for the district of the New-Hampshire Grants, to be included in a new State.

Lieutenant Governor Colden represented to his Majesty and Privy Council, that it would be greatly to the advantage of the inhabitants of the district of lands to the westward of Connecticut River, which had been before granted by the government of New-Hampshire, to be under the jurisdiction of the province of New-York, and that Connecticut River was a good and certain boundary line to divide the two respective provinces, and furthermore, that Hudson's River was navigable a great way into the country, and the situation of the New-Hampshire Grants, was such, as would naturally constitute that river the center of trade and commerce, for the inhabitants of those Grants, by the navigation of which, they could easily send exports to the city of New-York, and receive and return such articles as they would; and that it would therefore be much more convenient and happy for them to be under the jurisdiction of New-York, &c.

This Representation of Lieutenant Governor Colden was falacy, and would appear so to be, to any gentleman that knew the situation of the New-Hampshire Grants: as to a few towns, in the south-west corner of the district of lands aforesaid, I grant that Hudson's-River will naturally constitute that the center of trade to the inhabitants thereof, and a small part of the south-east corner of the said district, from their remote situation from Hudson's River, Lake Champlain, &c. and their contiguousness to Connecticut River, will naturally constitute that the center of trade for its inhabitants; but far the greater part of the district of lands aforesaid, from their remote situation from Hudson's River, navigation in Connecticut River and the eastern sea-ports, from the contiguousness thereof to Lake Champlain, Chamblee, Montreal on the river St. Lawrence, &c. will naturally constitute them the center of trade for the inhabitants thereof.

This being the situation of the district of the New-Hampshire Grants as to trade, and had it not been for self-interest, that is, by the handle of jurisdiction, to over-reach and seduce the people by cunning, fraud, violence and oppression, so as to make the landed interest of New-Hampshire Grants their own, will plainly appear by their conduct towards us. No sooner than they had obtained jurisdiction, Lieutenant Governor Colden gave subsequent patents of the very identical lands on which the New-Hampshire settlers dwelt to certain monopolizing attornies and favourite gentlemen of New-York; at this the peaceable inhabitants were greatly alarmed, they sent repeatedly to New-York for settlement of such an unheard of dispute, but none could be had, except they would resign up their New-Hampshire charters and deeds and take new ones under the great seal of the province of New-York: At this the inhabitants sent an agent to the Court of Great-Britain to solicit redress, and he obtained the following prohibition, viz.

At a court at ST. JAMES'S, the 24th day of July 1767.

Present,

The KING's most Excellent Majesty,

<i>Arch Bishop of Canterbury,</i>	<i>Earl of Shelburn,</i>
<i>Lord Chancellor,</i>	<i>Viscount of Falmouth,</i>
<i>Duke of Queensborough,</i>	<i>Viscount Barrington,</i>
<i>Duke of Ancaster,</i>	<i>Viscount Clark,</i>
<i>Lord Chamberlain,</i>	<i>Bishop of London,</i>
<i>Earl of Litchfield,</i>	<i>Mr. Secretary Conway,</i>
<i>Earl of Bristol,</i>	<i>Hans Stanley, Esq.</i>

His Majesty taking the said report, that is, report of the Board of Trade, into consideration, was pleased, with the advice of his Privy Council, to approve thereof; and doth hereby strictly charge, require and command, that the Governor or commander in chief of his Majesty's province of New-York, for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make

any grants whatsoever, of any of the lands described in the said report, until his Majesty's further pleasure shall be known concerning the same.

A true copy,

*Attest.*

WILLIAM SHARP,  
GEORGE BANYOR, Dep. Sec.

Notwithstanding the above prohibition, the respective Governors of New-York, presumed to regrant our lands, from under our feet, in open defiance to the regal authority of Great-Britain. They also sent showers of writs of ejectment to the inhabitants, which, on trial, produced writs of possession; then the posse comitatus, consisting of about 700 men were raised to enforce possession, then the spirited inhabitants assembled with arms, to repel force by force; from this the inhabitants of said district may date the beginning of the war for our rights and liberties, which we have now joined the United States of America in; I have been a personal actor in both scenes, but can see no odds in the nature of the dispute, however much they may differ in their degree.

For thus defending our possessions which the legislative and executive powers of New-York, attempted to take from us by virtue of subsequent patents, that was laid on ours after the arrival of the above prohibition, we were indicted for rioters, large sums of money offered for us, also twelve acts of out-lawry was made by said legislative body, dated the 9th of March 1774, by which acts the judges were impowered to award sentence of death without the criminal's ever being arrested or arraigned before the bar. ————  
*North.* ———— Before this act of out-lawry was made, the following report arrived, viz.

*Extract from a report from the Lords of Trade to the committee of his Majesty's most honourable Privy Council for plantation affairs, dated December 3, 1772.*

Upon the fullest examination into all the circumstances which at present constitute the state of that district between the rivers Hudson and Connecticut, out of which the greatest discords and confusion have arisen, it seemeth to us that the principal objection of attention in the consideration of any measures that can be suggested for restoring public tranquillity and quieting possession, are

*First,* Those townships which having been originally settled and established under grants from the government of the Massachusetts-Bay, fell within this district by the determination of the northern boundary of that province, in the year 1740.

*Secondly,* Those grants of land made within this district, by the government of New-York, previous to the establishment of the townships laid out by the Governor of New-Hampshire, after the conclusion of the peace, and which land now lies within the limits of some one or other of those townships.

*Thirdly,* Those townships which having been originally laid out by the Governor of New-Hampshire, either continue in the same state, or have



been confirmed by grants from New-York, and also those which have since originated under grants from the latter of those colonies.

With regard to those townships which fall under the first of the above-mentioned descriptions, when we consider the nature and origin, and the numberless difficulties to which the original proprietors of them must have been subjected, in the settlement of lands, exposed to the incursions of the savages, and to every distress which the neighbourhood of the French in time of war could bring upon them, and when we add to these considerations, the great reason there is to believe that the grants were made on the ground of military services against the enemy, we do not hesitate to submit to your Lordships our opinion, that the present proprietors of those townships ought, both in justice and equity, to be quieted in their possessions; and that all grants whatsoever, made by the government of New-York, of any lands within the limits of those townships, whether the degree of improvement under the original grant had been more or less, are in every light oppressive and unjust; but as we are sensible that such subsequent grants, made by the government of New-York, however unwarrantable, cannot be set aside by any authority from his Majesty, in case the grantees should insist on their title, we submit to your Lordships, whether it might not be expedient in order to quiet the original proprietors in their possessions, to propose, that all such persons who may claim possession of lands within the limits of such townships, under New-York grants, should upon conditions of their quitting such claim, receive a grant under the seal of New-York, upon the like terms and free of all expences, of an equal number of acres, in some other part of the district, lying between the rivers Hudson and Connecticut, and in case where any actual settlement or improvement has been made, by such claimants, that they should in such case receive fifty acres of waste land for every three acres they may have so improved.

With regard to those grants made by the government of New-York, which fall under the second description, and upon which actual improvement has been made, they do appear to us to deserve the same consideration, and that the proprietors ought not to be disturbed in their possessions, whether their improvement be to a greater or lesser extent. But beg leave to observe to your Lordships, that in both cases no consideration ought to be had to any claim, where it shall appear that no regular possession has ever been taken, and no actual settlement ever been made.

With regard to those townships which fall within the last mentioned description, we submit to your Lordships our opinions, that provided such townships do not include lands within the limits of some antecedent grant, upon which actual improvement has at any time been made, it would be advisable they should be confirmed as townships, according to the limits expressed in the grants thereof, and that all persons having possession of any share in said townships, either as original grantees, or by purchase or conveyance, and upon which shares any actual improvement or settlement has been made, ought in justice to have been or to be in future disturbed in the possession of such shares, nor ought they to be bound to any other conditions, whether of quit-rent or otherwise, than what is contained in the grant.

I shall here make some miscellaneous remarks on the conduct of the former government of New-York to the inhabitants on the east side of the mountains in said district.

Soon after they had obtained jurisdiction, the legislative body made a law, to elect that territory which now comprehends; the

county of Cumberland, into a county, and sent the same to the court of Great-Britain, to be there ratified and confirmed, in the mean time they arrogated power to commissionate favourite foreigners to the place of court officers, they also commissioned a great number of both civil and military officers, such as would be most likely to be subservient to bring about their vile and mercenary purposes. But alas! to their great surprize, this law was sent back negatived, yet in open violation to the laws of the crown, the legislative and executive powers assumed to themselves authority to hold courts, their conduct was so notorious, that it was the cause of that odious and never to be forgotten massacre at the Court House, in said Cumberland county, on the evening of the thirteenth of March 1775, in which several persons were actually murdered — Oh horrid scene!

Some of those officers, thus appointed, were very officious in advising the inhabitants to take re-grants of their lands, they were also terrified by threats from said province, that if the people did not comply with their terms they should lose all their possessions, by which means they seduced the inhabitants of some towns so as to take the subsequent patents.

The Governor and Council of New-York have been aiding, assisting and consenting to a mandamus being laid on the antient town of Hinsdale, which was first appropriated by a purchase from the Indians, secondly by a grant from the Massachusetts-Bay, thirdly by the government of New-Hampshire, and fourthly, by an uninterrupted possession and occupancy about seventy years.

The Assembly of New-York in their state of the rights of the colony of New-York, &c. in order to rid their government of the blame justly due, say, that said mandamus proceeded from the crown, and was an act decisive in itself.

A very extraordinary representation, the right of election is restricted entirely to crown lands, whereon no christian subject to the crown is settled by possession or otherwise. Common sense may teach, that a mandamus, or any other crown grant, cannot subvert the property which the subject holds under the crown, by virtue of prior grants; that would overturn all grants and make the King absolute.

Thus it plainly appears, that self-interest was the moving cause of the government aforesaid making such a representation to the court of Great-Britain; had it not been for sake of profit to themselves, it is not likely they would ever have troubled his Majesty on this subject, and if they had done it in the simplicity of their hearts, to accommodate the inhabitants in general as to trade, &c. they would have solicited his Majesty to annex said district to the province of Quebec, as said grants are bound about 100 miles on the eastern shores of Lake Champlain and from the north end of said lake to Chamblee is twelve miles land carriage, and to Montreal eighteen, near the latter, in the river St. Lawrence, seventy-gun ships have sailed.



I cannot see that it would be any way incompatible, provided the inhabitants of said district should trade to New-York, Connecticut river, Lake Champlain, &c. and be in a new State; it never was supposed, that jurisdictional lines were so drawn, that each government would have sea ports in them, so as to best accommodate every part; but in free states, every part of the country trades to the highest and best sea-ports, without any regard to jurisdictional lines, witness the western part of the Massachusetts-Bay and Connecticut, they have made their main trade to the city of New-York ever since the origin of their settlements.

I have heard some people raise this objection, viz. That it was inconvenient for the district of the New-Hampshire Grants to be a State, for the sole reason of there not being a seaport in said district. I freely grant we have none, and if we were annexed to any other State that would not bring a seaport any nearer to us; those things are immovable, yet I think we are as well off as ever any inland State was, in consequence of our bordering so far on Lake Champlain, &c. by which means the State may be supplied with all kinds of goods at a reasonable rate, and make a good market for all such species as are to be spared in exchange. In some parts of the world there is inland kingdoms, and why not inland States; we have our advantages and disadvantages in this as well as in all other things.

At this time many of the most valuable ports in America are blocked up by our cruel enemies, the river St Lawrence for one, all the province of Quebec is in their possession, yet, as I was with our army at Quebec, I am conscious to myself that there is many friends to America now in that province. We have the greatest reason to believe that in the sequel of this war, all the American ports will be cleared of those cormorants that now invest them, and that the province of Quebec will become one of the United States of America, and as wars have ever been frequent in all kingdoms and countries, no doubt but that the United States of America will sooner or later be involved in war; wherever war centers in any country it brings the greatest calamities and most dreary scenes, witness Boston, Charlestown, New-Jersey, &c. in such days the invaders of America must first begin on some of the frontier States, then we must send forth the hardy soldier, to assist our friends and brethren wherever occasion shall require, then will women and children, houses and property be safe with us, while in the frontiers of a neighbouring state, women ravished and murdered, children killed, houses and property destroyed — oh! horrid scene!

One special reason why the district of the New-Hampshire Grants cannot connect with the State of New-York is, the Supreme Court in Albany at July term, in the year 1769, expressly declared the New-Hampshire charters null and void, by said court's giving writs of possession against the New-Hampshire settlers by virtue of subsequent patents from New-York, by reason of which several of the New-Hampshire settlers were dispossessed of valuable farms



and tenements; therefore the inhabitants of said Grants, cannot be freeholders in said State, to act in any public business, till they take regrants of their lands, which we cannot do by any other means, than by purchasing subsequent pattendts from our greatest antagonists, and at their own price, which most certainly would have been very unhealthy for our purses.

Perhaps some queries may arise in the minds of some gentlemen whether the district of the New-Hampshire Grants in their infant state, have men that are capable to govern the internal policy of a State, and are able to support government: I would ask such gentlemen, which of the United States of America, were so well peopled and so able, when they began government, as we are, surely, I think, not one, but many weaker: As to men of learning and sagacity to rule a State, I see no great difficulty in, though it is not common that men of so great learning as some in the world, would go to subdue the desolate wilderness, yet I think we have men of as much virtue, and as good talents by nature, as any in the world.

Tent makers, coblers and common tradesmen, composed the legislature at Athens, 'is not the body (said Socrates) of the Athenian people composed of men like these.' For any man to arrogate and say, that we have not men that can govern the internal policy of a State, might with the same parity of reason say, that the United States of America, should always be subject to Great-Britain, because there was men of more universal knowledge as to ruling the scepter, and more experienced Generals, and better equipped with shipping and warlike stores, &c.

Necessity is the mother of invention; we find, by experience, that we have as good men to rule our senate, as Britain her scepter, and as noble Generals in the field as English annals have any account of, powder, cannon and all kinds of warlike stores are manufactured amongst us, ships of war are built, nay, the preparations of war goes on with such rapidity, that it is not to be paralleled in history, foreign powers are now assisting the rising States of America in many respects.

This the United States could not have done, had they not asserted their free and natural rights and liberties that was given them by the God of nature, thereby to throw off the heavy yoke of bondage that George the third has prepared for us and our successors.

Neither will the people of the district of the New-Hampshire Grants ever be a free and happy people, except they stedfastly maintain the free and natural rights and liberties that was given them by the God of nature, thereby to throw off the bondage, that the former litigious government of New-York has attempted to ensnare us with. Those things have greatly deterred our settlements, and should this obstacle be moved out of the way, no doubt but many worthy gentlemen fit for any station in life, would move into our territories, which would be to the mutual benefit of the whole.

It is true our settlements are not many of them of an antient date, yet are very flourishing, and like young beginners we are

willing to work for our living; we have a plenty of fertile lands, our territories are considerably larger than either of the States of New-Hampshire, Connecticut, Rhode-Island and Providence Plantations, or New-Jersies; no doubt but in a short time will be as well peopled, as we are but small as to numbers, our public concerns will also be small in proportion, and as to a mode of government, there can be no great expence in that, for the thirteen United States will all form their modes of government before we shall, and we can have the privilege of perusing them, and if any of them should be agreeable the people can adopt them, or take such parts as shall best suit them. Our Assemblies and courts will have but short sessions, and have but little way to go, and all such money will be spent in the State, and as the power of legislation is now in the people, they will not have occasion to commissionate many sallary officers in the State, they will also set all officer's fees at a reasonable rate; as to Court-houses, some are already built, and I cannot see why we should be at any more expence on that account, if we are in a new State, than if we were annexed to any other, for take it which way you will Court-houses and jails will be wanted, therefore I cannot see where any very great expence should arise from.

If we were to be in the State of New-York, then we must send delegates to sit in the Provincial Congress of said State, it would be a long and expensive road to travel and an expensive place when there, and in order to have the people properly represented, there should a considerable number go, and when they are all met in Congress, the State would be so large, that gentlemen from the extreme parts would not personally know but very little better the situation of the other extreme parts than a gentlman would from London, yet most of them must stay and see what was done, and give their consent for or against, and as there has been an unhappy dispute between this district and the former government of New-York, and some members of that honourable house have been our greatest antagonists, it is possible the best of men might be some biased, though unperceivable to them, thus these gentlemen will spend near or all the year, in doing what little business concerns this district and assist others to do theirs, which they know nothing of, and in getting other gentlemen to give their consent to all resolves that concerns this district, who will be equally ignorant of our situation by reason of their local situation from ours, this being the case, it necessarily follows, that there ought to delegates enough go from this district, to know all business that should be necessary to be done for said district, if so, surely the same gentlemen might much easier and cheaper, do their business, by meeting in some convenient place in this district, where no other business would interfere with theirs.

When civil laws should again take place, doubtless there would be many actions appealed up to the supreme court at New-York, and as the state would be so large, doubtless they would be full of business, for that and many other reasons, it is likely actions would

be continued from one session to another, no doubt some very disputable cases, that would need numbers of evidences personally to speak: What an amazing expence it must be, for a man to go 450 miles to attend a court in this situation, yet his action may be put along through several courts. In this way of expence would go many thousand pounds out of this district.

The great distance of road betwixt this district and New York, is alone a convincing argument, that the God of nature never designed said district should be under the jurisdiction of said State.

I now appeal to the impartial reader, which of these two ways would be best, wisest and cheapest, both for the district of the New-Hampshire Grants and the State of New-York.

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*Brave countrymen,  
We're here assembled for the toughest fight  
That ever strain'd the force of American arms;  
See yon wide field with glit'ring numbers gay,  
Vain of their strength, they challenge us for slaves,  
And bid us yield their pris'ners at discretion!  
If there's an American among you all  
Whose soul can basely truckle to such bondage,  
Let him depart! For me, I swear by Heaven,  
By my great father's soul and by my fame,  
My country ne'er shall pay a ransom for me;  
Nor will I stoop to drag out life in bondage,  
And take my pittance from a Briton's hands.  
This I resolve, and hope, brave countrymen,  
Ye all resolve the same.*



## II

### TO THE HONORABLE THE CONTINENTAL CONGRESS

THE Declaration and Petition of the Inhabitants of that part of North America, Situate South of Canada Line, West of Connecticut River, North of the Massachusetts Bay, and East of a twenty mile line from Hudson's River, containing about one hundred and forty four townships, of the contents of six miles square each, granted your Petitioners by the authority of N. Hampshire, besides Several grants made by the authority of N. York and a quantity of vacant Land

Humbly sheweth

That your petitioners, by virtue of the several grants made them by the authorities aforesaid, have many years since, with their families, become actual settlers and inhabitants of the said described premises; by which it is now become a respectable frontier to three neighbouring States, and is of great importance to our common Carrier Ticonderoga; as it has furnished the army there with much provisions, and can muster more than five thousand hardy soldiers, capable of bearing arms in defence of American Liberty.

That shortly after your petitioners began their Settlements, a party of landgrant jobbers in the City and State of N. York began to claim the Lands, and took measures to have them declared to be within that jurisdiction.

That on the fourth day of July 1764, the King of Great Britain did pass an order in council, extending the jurisdiction of N. York government to Connecticut River, in consequence of a representation made by the late Lieutenant Governor Colden, that for the convenience of trade, and administration of justice, the inhabitants were desirous of being Annexed to said State.

That upon this alteration of jurisdiction the said Lieutenant Governor Colden did grant several tracts of land in the above described limits, to certain persons living in the State of N. York, which were at that time in the Actual possession of your petitioners and under color of the lawful authority of Said State, did proceed against your petitioners as lawless intruders upon the Crownlands in their Province. This produced an application to the King of G.B. from your petitioners, setting forth their claims under the government of N. Hampshire, and the disturbance and interruption they had suffered from said post-Claimants under N. York. And on the 24th day of July 1767 an order was passed at St James's prohibiting the Governors of N. York, for the time being, from granting any part of the said described premises, on pain of incurring his highest displeasure. Nevertheless the same Lieutenant Gov<sup>r</sup> Colden, Gov-

ernors Dunmore and Tryon, have each and every of them in their respective turns of administration Presumed to violate the said Royal order, by making several grants of the Prohibited premises and countenancing an actual invasion of your petitioners, by force of arms, to drive them off from their possessions.

These violent proceedings (with the Solemn determination of the Supreme Court of the State of N. York, that the Charters; conveyances &c of your petitioners lands, were utterly null and void) on which they were founded, reduced your petitioners to the disagreeable necessity of taking up arms, as the only means left for the security of their possessions. The consequence of this step was the passing of twelve acts of Outlawry, by the Legislature of N. York, on the ninth day of March 1774, which were not intended for the State in General, but only for part of the Counties of Albany & Charlotte viz such parts thereof as are covered by the N. Hampshire Charters.

Your petitioners having had no representative in that Assembly when the acts were passed, they first came to the knowledge of them by public papers, in which they were inserted. By these, they were informed, that 'if three or more of them assembled together to oppose,' what said Assembly called legal authority, that such as should be found assembled, to the number of three or more, should be adjudged Fellons: and that in case they or any of them should not surrender himself or themselves to certain officers appointed for the purpose of securing them after a warning of Seventy days, that then it should be lawful for the respective Judges of the Supreme Court of the Province of N. York to award execution of Death, the same as tho' he or they had been attainted before a proper Court of Judicatory. These laws were evidently calculated to intimidate your Petitioners into a tame surrender of their Rights, and such a State of vassalage as would entail misery to their latest posterity.

It appears to your petitioners that an infringement of their Rights is still meditated by the State of N. York; as we find that in their general Convention at Harlem, the second day of August last, it was Unanimously voted, 'That all the quitrents formerly due to the Crown of Great Britain within this State, are now due and owing to this Convention or such future government as may hereafter be established in this State.

By a Submission to the claims of New York, your petitioners would be subjected to the payment of two shillings and sixpence sterling on every hundred acres annually; which compared with the quitrents of Livingston's Phillip's and Renslair's Manors, and many other enormous tracts in the best situations in this State; would lay the most disproportionate share of the public expence on your petitioners, in all respects the least able to bear it.

The Convention of N. York have now nearly completed a Code of laws for the future government of that State, which should they be attempted to be put in execution, will subject your petitioners to the fatal necessity of opposing them by every means in their power.

When the declaration of the honorable the Continental Congress of the fourth of July last past, reached your petitioners, they communicated it throughout the whole of their District; and being properly apprized of the proposed meeting, Delegates from the several Counties and Towns in the District, described in the preamble to this petition, did meet at Westminster in said District, and after several adjournments for the purpose of forming themselves into a distinct and separte State, did make and publish a Declaration that they would at all times thereafter consider themselves as a free and independent State, capable of regulating their own internal police in all and every respect whatsoever; and that the people in said described District have the sole exclusive right of governing themselves in such manner and form as they in their wisdom should chuse: not repugnant to any resolves of the honorable the Continental Congress. And for the mutual support of each other in the maintainance of the freedom and independence of said District or separte State, the said delegates did jointly and severally pledge themselves to each other by all the ties that are held sacred among men: and resolve and declare that they were at all times ready, in conjunction with their brethren in the United States, to contribute their full proportion toward the maintaining and supporting the present just war against the fleets and armies of Great Britain.

To convey this Declaration and Resolution to your Honorable Body, the Grand Representative of the united States, were we (your more immediate petitioners) delegated by the united and unanimous voices of the representatives of the whole body of Settlers upon the described premises, in whose name and behalf, We humbly pray, that the said declaration may be received, and the District described therein be ranked by your honors among the free and independent States, & delegates therefrom admitted to seats in the Grand Continental Congress. And your petitioners as in duty bound shall ever pray.

N. HAMPSHIRE GRANTS WESTMINSTER 15<sup>th</sup> January 1777.

Signed by order and in behalf  
of the General Convention

JONAS FAY	} <i>Delegates</i>
THOMAS CHITTENDEN	
HEMAN ALLEN	
REUBEN JONES	

*Endorsed:*

Read April 8 1777

Ordered to lie on the table

dated 15 Jan. 1777

Petition from sundry inhabitants  
of the New Hampshire Grants.



III  
IN CONGRESS  
MAY 15, 1776

WHEREAS his Britannic Majesty, in conjunction with the Lords and Commons of Great-Britain, has by a late Act of Parliament excluded the inhabitants of these United Colonies from the protection of his Crown: AND WHEREAS no answer whatever to the humble Petitions of the Colonies for redress of grievances and reconciliation with Great-Britain, has been or is likely to be given; but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these Colonies: AND WHEREAS it appears absolutely irreconcilable to reason and good conscience, for the people of these Colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great-Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the people of the Colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of their lives, liberties and properties against the hostile invasions and cruel depredations of their enemies:—

RESOLVED therefore, That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall in the opinion of the Representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general.

Extract from the Minutes,  
CHARLES THOMSON, *Secretary*.

*To the INHABITANTS of VERMONT, a Free and Independent State,  
bounding on the River CONNECTICUT and Lake CHAMPLAIN.*

PHILADELPHIA, April 11, 1777

GENTLEMEN,

Numbers of you are knowing to the zeal with which I have exerted myself in your behalf from the beginning of your struggle with the New-York Monopolizers. As the Supreme Arbiter of right has smiled on the just cause of North-America at large, you in a peculiar manner have been highly favored. God has done by you the best thing commonly done for our species. He has put it fairly in your power to help yourselves.

I have taken the minds of several leading Members in the Honorable the Continental Congress, and can assure you that you have nothing to do but send attested copies of the Recommendation to

take up government to every township in your district, and invite all your freeholders and inhabitants to meet in their respective townships and chuse members for a General Convention, to meet at an early day to chuse Delegates for the General Congress, a Committee of Safety, and to form a Constitution for your State.

Your friends here tell me that some are in doubt whether Delegates from your district would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure your success at the risque of my reputation as a man of honor or common-sense. Indeed they can by no means refuse you! You have as good a right to chuse how you will be governed, and by whom, as they had.

I have recommended to your Committee the Constitution of Pennsylvania for a model, which, with a very little alteration, will, in my opinion, come as near perfection as any thing yet concerted by mankind. This Constitution has been sifted with all the criticism that a band of despots were masters of, and has bid defiance to their united powers.

The alteration I would recommend is, that all the Bills intended to be passed into Laws should be laid before the Executive Board for their perusal and proposals of amendment. All the difference then between such a Constitution and those of Connecticut and Rhode-Island, in the grand outlines is, that in one case the Executive power can advise and in the other compel. For my own part, I esteem the people at large the true proprietors of governmental power. They are the supreme constituent power, and of course their immediate Representatives are the supreme delegate power; and as soon as the delegate power gets too far out of the hands of the constituent power, a tyranny is in some degree established.

Happy are you that in laying the foundation of a new government, you have a digest drawn from the purest fountains of antiquity, and improved by the readings and observations of the great Doctor FRANKLIN, DAVID RITTENHOUSE, Esq; and others. I am certain you may build on such a basis a system which will transmit liberty and happiness to posterity.

Let the scandalous practice of bribing men by places, commissions, &c. be held in abhorrence among you. By entrusting only men of capacity and integrity in public affairs, and by obliging even the best men to fall into the common mass of the people every year, and be sensible of their need of the popular good will to sustain their political importance, is your liberties well secured. These plans effectually promise this security.

May Almighty God smile upon your arduous and important undertaking, and inspire you with that wisdom, virtue, public spirit and unanimity, which ensures success in the most hazardous enterprises!

I am, Gentlemen, Your sincere friend and humble servant,  
THOMAS YOUNG

*April 12, 1777*

Your Committee have obtained for you a copy of the Recommendation of Congress to all such bodies of men as looked upon themselves returned to a state of nature, to adopt such government as should in the opinion of the Representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general.

You may perhaps think strange that nothing further is done for you at this time than to send you this extract. But if you consider that till you incorporate and actually announce to Congress your having become a body politic, they cannot treat with you as a free State. While New-York claims you as subjects of that government, my humble opinion is, your own good sense will suggest to you that no time is to be lost in availing yourselves of the same opportunity your assuming mistress is improving to establish a dominion for herself and you too.

A WORD TO THE WISE IS SUFFICIENT



IV  
MISCELLANEOUS  
REMARKS,  
ON THE  
PROCEEDINGS  
OF THE  
STATE OF *NEW-YORK*,  
AGAINST THE  
STATE OF *VERMONT*, &c.

---

*By* IRA ALLEN.

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HARTFORD:  
*Printed by* HANNAH WATSON, near the Great-  
Bridge, MDCCCLXXVII.



## MISCELLANEOUS REMARKS, &c.

*In Convention of the REPRESENTATIVES of the State of NEW-YORK,  
KINGSTON, May 10th, 1777.*

WHEREAS it hath been represented to this Convention, that divers of the inhabitants of the county of Cumberland, who are desirous of continuing the subjects of this State, are from divers reasons incapable of exerting themselves in the general defence, particularly from the want of proper officers.

Therefore, *Resolved*, That it be recommended to such inhabitants to associate as follows, viz. We the subscribers subjects of the State of New-York, do associate together for the defence of the United States against the King of Great-Britain, as follows; First we will chuse our officers by vote of the majority, in each respective Company, or Regiment. Secondly, will obey such our officers as other the militia of the said State Thirdly, the names of the said officers shall be transmitted to the Government of the said State, and to the General in the Northen department. Lastly, that this association shall continue in force until revoked by proper authority. Whereas it hath been suggested to this Convention, that the county Committee of the County of Cumberland, cannot be collected together, but with great difficulty.

*Resolved*, That such of the members of the said county committee, as on due and regular notice for the convening of the said Committee, shall meet, be authorised to proceed to business.

*Extract from the minutes,*

ROBERT BENSON, *Sec'ry.*

The candid reader will observe that the former convention of the New-Hampshire grants, (alias the State of Vermont) did ratify and confirm all and every officer of the militia, in their several stations, in the counties of Cumberland and Glocester; that the State of New-York, had been previously pleased to permit the people to choose, and they to commissionate, which was three respectable regiments. if there was no validity, nor authority in the Convention of the said grants, (and the said counties were within the jurisdiction of New-York) then those officers were in legal authority by virtue of their commissions from New-York; and if there was any authority in the Convention of the grants, the same officers and regiments were established as such. So that the above resolve was intirely needless, and had a tendency to break up some well regulated regiments, under the specious pretence of supporting the glorious cause of American liberty; meant to seduce the people to acknowledge themselves subjects to the State of New-York.

The latter resolve appears to me to be very extraordinary, that the honorable the Convention of New-York, should attempt to authorise



three or four persons to transact the whole business of the county, contrary to the free voice of the people (in this critical juncture) in case there should not more attend by any means whatsoever.

I shall here make some miscellaneous remarks, on the present Constitution of New-York.

The candid reader will observe, that in the course of this Constitution there is reference often made to the former laws, rules, and regulations, of the former government (now state) of New-York; so that for any person to know how they are to be governed, they must first be acquainted with all their former laws; together with all the rules and proceedings of their General Assembly, &c. — Which would be no small stent, considering the long series of years the land-jobbers have been, and continue to be in that Court, laying all the private intrigues and snares in their power; so as by fraud and violence to make the lands and labours of the New-Hampshire settlers their own.

The 35th section is worthy of inspection, as in it the laws of England, together with the laws that legislature, as did make the laws of that colony on the 19th day of April, 1775, are ratified and confirmed to be the laws of that State; it is to be remembered that by those very laws, no longer ago than at July term, 1769 by the claimants under New York (who had their lands granted to them after his Majesty's express prohibition, dated 24th July, 1767) being non-residents brought actions of ejectment in the supreme court at Albany, against several of the claimants under New-Hampshire, who were in actual possession by prior grants; and the same court did then and there judge and determine, that the charters were null and void, and gave writs of possession to the claimants under New-York.

All nature have reason to shudder at such laws taking place again, as have once taken all their property from them.

It is to be observed that in the latter part of this section, all the resolves that have been made by the former Congress and Convention of New-York, since the present contest with Great-Britain, that are not repugnant to said Constitution, do make and constitute one part of the laws of that State; among which is included the unjustifiable quit-rent resolve, so much complained of, and for what we know, many other more grievous resolves, that have not as yet come to our knowledge, as we have not had the perusal of all their proceedings.

In the 36th section, all grants of land made by the king of Great-Britain, or persons acting under his authority, after the 14th day of October 1775, within that State are made null and void, and all other grants made by that government, previous to that date, are ratified and confirmed. When previous to that date (as I am informed by good authority) the infamous governor Tryon, had fled on board one of the king's ships, to screen himself from the just resentment of Colonels M'Dougall and Sears who at that time commanded the Liberty party in New-York. In that ignominious situa-

tion, Governor Tryon made several grants of land, some of which were on those very identical grants made by New Hampshire; which are now ratified and confirmed by the constitution. Those grants that are thus established in and by the constitution, are established in earnest, as they are forever out of all dispute; for no law cannot make disseisin of, nor try the title of land that was established in the constitution, on which that law was founded; for allowing it could, the law would condemn the constitution, from which it received existence; which would be as contrary to reason and nature, as for a creature to condemn his creator. By this the candid reader will see, that, that moment the good people of the State of Vermont, should consent to, and acknowledge the jurisdiction of the State of New-York, together with this constitution, they would all (except a few, who have taken patents from New-York), give up their landed interest to the avoricious monopolizers of New-York; so that after all the spirited exertions the noble sons of freedom have made, and still continue to make against the tyranny of New-York and Great-Britain, (for I consider tyranny to be the same in essence, whether it originates from lesser or greater authority) they would together with their numerous families, be reduced to pinching poverty, only to gratify the avoricious land-jobbers of New-York, in their unwarrantable claims to the lands and labours of the good people of the State of Vermont.

It is an antient and just maxim, that the alteration of jurisdictional lines should not alter private property; therefore wherever two grants of land interfere, and the contending parties cannot compromise and settle the controversy, there ought to be a fair and equitable decision by law or equity.

I shall here make some remarks on the several letters, and resolves sent from the Provincial Congress of New-York, to the honorable Continental Congress, that were published in the Connecticut Courant number 656. The candid reader will remember, that in the antient dispute between the former government of New-York, and the inhabitants of the New-Hampshire grants, Col. Allen, Col. Warner, Maj. Cochran, and Capt. Baker, were proclaimed out-law's (for no other cause than boldly asserting the rights of their injured countrymen) by Governor Tryon his Council, &c. who have now joined the tyrant of Great-Britain in arms against the United States of America. Those four gentlemen have in every stage of their conduct appeared to be patriots to their country. Capt. Baker has fallen in battle, Col. Allen has been taken prisoner, and demonstrated to the world his patriotism. Col. Warner and Maj. Cochran, have distinguished themselves in several battles. But I observe the convention of the State of New-York, find great fault with the honorable the Continental Congress, for appointing and commissionating Col. Warner, because he had been made an out-law, though previous to this the said Convention did appoint and commissionate Maj. Cochran, and he has been a long time in their service; yet as much opposed to that government as Col. Warner.



They further inform, in these words, viz. 'And whereas the inveterate foes to the liberties of America, from the earliest commencement of the present glorious contest, have endeavoured to aleinate the minds of the good people of this State, from the common cause.' (Meaning the inhabitants of the State of Vermont.) However bold this assertion is, it is entirely groundless. The inhabitants of the State of Vermont have ever merited and established a different character. Witness their exertions in the commencement of this glorious contest, under the command of Col. Allen, they surprised and took with small arms the fortress of Ticonderoga, Crown-Point, &c. in which were about 300 pieces of cannon and mortars, and a quantity of other warlike stores, which were of almost infinite service to the United States, in the infancy of this war. — And under the command of Col. Warner, on the 30th day of October, 1775 at Longail, 300 of them defeated Gen. Carlton, at the head of 900 men, as he was going to raise the siege at St. Johns. Upon the receipt of this news, Major Preston surrendered said fortress to the intripied Gen. Montgomery; as also their exertions in the ever memorable battle fought by the intripied Gen. Starks, near Bennington, August 16, 1777, and many other noble deeds too tedious to mention.

They further inform in their letter of the first of March, viz. 'the Congress may be assured the spirit of disaffection notwithstanding all the arts, and violence of the seducers, is by no means general, the county of Glocester, and a very great part of both of Cumberland, and Charlotte counties, continue steadfast in their allegiance to this Government.' 'Charlotte, and Cumberland continue to be represented in Convention.' I am very much mistaken, if the spirit of the good people of Cumberland, and Glocester continues, was not at that time some what different from this representation; as for Charlotte county I personally know, and freely grant it has and still continues to be represented in Convention at New-York. But the impartial reader ought to be informed the situation of that county, the westerly part of that county extends to Hudson's river, by which means it takes part of the antient government of New-York, and that part west of the west line of the State of Vermont, have and still continue to be represented at New-York; but no representation hath been made at any time to the Convention, or Congress of New-York, by the good people of the State of Vermont; west of the range of Green-Mountains, — I observe in those letters there is no mention made of the county of Albany, when according to their lines it takes a considerable number of our most valuable towns, and it appears the more strange, as Bennington is included, in which 700 of their posse were defeated, when sent to take possession by order of their supreme Court; in the year 1769.

One reason this moment occurs to my mind, doubtless induced the convention of New-York to write as they did; which is this, they meant to insinuate into the minds of the honourable Continental Congress, that there was but a minor part of the county of Charlotte that attempted to revolt, and they alone were endeavoring to sow



the seeds of sedition, in the counties of Cumberland and Gloucester; and that there was by no means a majority of either, for seperating from New-York, &c. which is so far from being the case, I shall only refer the reader to, the consideration of the late proceedings of the State of Vermont, for proof of the temper of the people.

It is unquestionable that all civil power is in the hands of the people, upon this indissoluble foundation, the united and independent States of America; in defiance of British tyranny, have declared it to be their unalienable right, to appoint their own rulers and be governed by their laws; to which the inhabitants of the State of Vermont, have most cordially acquiesced in, and on the same principle with a firm reliance, on the supreme arbiter of right, for the rectitude of their intentions; in defiance to the usurpation of New-York have declared themselves to be a free State

This is absolutely essential to freedom, and so soon as any people directly or indirectly, put their power out of their hands; just so soon tyranny in some degree is established. With these principles there is not a man who is tenacious of his liberty, but will look with a feeling anxiety upon the ensuing elections, and use his influence that there be none elected to posts of public trust, but men of virtue, business, and known patriots; upon such a basis may be expected, all the blessings that are common to our specie.

*October 30, 1777*

## V

### TO THE INHABITANTS OF THE STATE OF VERMONT

FRIENDS AND FELLOW CITIZENS,

Pursuant to Appointment by the Legislature, and Instructions from the Governor and Council of this State, I waited on the General Court of *New-Hampshire*, at their Sessions in June last, and delivered the public Writings intrusted me by the Governor of this State, to the President, which were read in Council, and sent to the House for their Inspection: The House, after reading and considering the same, resolved into a Committee, to take into Consideration the whole Matter respecting *Vermont*, which was concurred in by the Hon. Board; and Thursday the 24th of June, the Committee met in the Assembly Chamber, and the Resolves of Congress of the 1st and 2d of June, respecting the Premises, and several other Papers were read; among which was the Appointment of Col. *Peter Olcott*, and *Beza Woodward*, Esq; empowering them as a Committee from the Committee of the *Cornish* Convention, to use their Influence with the General Court of *New-Hampshire*, to extend their Claim and Jurisdiction over the whole of the *New-Hampshire* Grants. A Question was put to said Committee, by a Member of the House, *How many Towns were represented in said Cornish Convention, on the West Side of Connecticut-River?* Answer, *About twenty-two in the Whole, and about Half of them West of said River.* Said Committee then proceeded to exhibit the Returns made on a Hand-Bill formed by the Committee of the *Cornish* Convention, on the 23d of April last, and sent to the several Towns in this State, for the express Purpose of getting the Numbers of the Inhabitants that were willing *New-Hampshire* should extend their Claim and Jurisdiction over the whole of the Grants — their Returns were sixty-five Persons. They also alledged, that they had mislaid or lost the Returns from one Town, in which there were one hundred and twenty Families, and but four Persons acted in Opposition to connecting with *New-Hampshire*: That the Reason why more Persons had not acted on said Hand-Bill, was, that they had not circulated thro' the Grants, by Reason of their falling into the Hands of the New Statesmen who secreted or burnt them: — That for eighty Miles up and down Connecticut-River, there were but two Members attended the Assembly of *Vermont*: — That so far as they had been able to collect the Sentiments of the People, they were very generally on the east Side of the Green Mount-n, and a Number of the west Side said Mountain, for connecting with *New-Hampshire*; then refering to the Members of the House who lived contiguous to Connecticut-River, to inform what they knew respecting the Matter; Judge *Marsh* then arose; and with a Degree of Warmth asserted, That to his certain Knowledge, two-thirds of the Inhabitants of the Grants

west of the River, would hold up both Hands to connect with *New-Hampshire*. A few more of the Members of the House, in Conversation with the other Members, had endeavored to insinuate Tenets nearly similar. I then proceeded to make my Defence; in which I observed, That it was strange those Gentlemen were at a Loss to determine how many Towns were represented in the *Cornish* Convention, as one was the Clerk, and both Members of the same: — That there were but eight Towns west of the River, represented in said Convention: — That the Town said Committee had Reference to, as having one hundred and twenty Families, was the Town of *Norwich*, in which Col. *Olcott* lived: — That I was informed by several respectable Gentlemen of that Vicinity, that all due Pains were taken to convene the legal Voters on Town-Meeting Day; some refused to attend, as they would not act against the State of *Vermont*; others were tired of Town-Meetings, and neglected to attend; in all, thirty-one Persons met, twenty-seven for *New Hampshire*, and four for *Vermont*: — That I had as good, if not a better Right, to count those who did not attend the Meeting for *Vermont*, as they for *New-Hampshire*: — That said Hand-Bills had been sent into the County of *Bennington*, in several Places; and that the People there did not take so much Notice of them, as to secrete or burn them: — That I was knowing to said Hand-Bills circulating thro' a very considerable Part of *Cumberland* County: — That in several Towns where they had Town-Meetings on other Business, said Hand-Bills were read, and the Towns unanimously voted to have nothing to do with them; in other Towns the Select-Men said, they knew nothing of '*J. Marsh*, Chairman;' and if they called a Town-Meeting at his Request, by the same Rule they might have a Town-Meeting every Day, if any Gentleman desired it; therefore they would have nothing to do with it: — That by this open and public Trial, they had proved that Gen. *Bailey*, at least, was mistaken when he asserted in his Petition (preferred to the General Assembly of *New-Hampshire*, at their Sessions in March last) That the Inhabitants of the Grants were, in general, desirous of an Union with *New-Hampshire*: — That the eighty Miles mentioned by said Committee, where there were but two Members attended the Assembly of *Vermont*, was true; but Part of that Distance was Woods, consequently no Member could from thence attend; and some of the other Part was thinly settled, and several Towns joined to chuse one Member; but in that Distance, and for more than eighty Miles more down the River, thro' a settled Country, there were but four Towns on the River where they had got so much as one Man to act in favor of connecting with *New-Hampshire*; and not so much as one-fourth Part of the legal Voters in those four Towns — a very small Minority indeed in Favor of connecting with *New-Hampshire*.

I then proceeded to treat largely on the fundamental Arguments, viz. the Change of Jurisdiction in 1774 — the Proclamation issued by his Excellency *Benning Wentworth*, Esq; dated about Feb. 1765 — the Heads of the Grievances the Inhabitants of *Ver-*



*mont* have suffered from *New-York*, since 1764, to the present Æra — Expendence in sending Agents to *Great-Britain* — *New-Hampshire* refusing to exert herself to recover her Jurisdiction, although often requested by the Inhabitants of the Grants, when they were put to the greatest Extremity by *New-York* — the Right the People had to assume Government since the present Revolution — Constitution and Code of Laws established — Officers of Government, together with the Freemen of the State, sworn to support the Constitution thereof, as established by Convention — Letters from the General Court of the State of *New-Hampshire*, in November last, giving their full Approbation to the State of *Vermont's* being established by Congress as such, provided the People there, as a political Body, would dissolve all Connections with sixteen Towns east of Connecticut-River, which they alledged to be a Part of *New-Hampshire*: — That every Engagement on the Part of *Vermont* to *New-Hampshire*, was fulfilled: — That it was one Thing for said State to lay a jurisdictional Claim to the Territory of *Vermont*, and another to exercise Jurisdiction. —

The Committee of both Houses dissolved, and the House resumed the Subject, and voted to lay Claim to the Jurisdiction of the Whole of the *New-Hampshire* Grants, to the Westward of Connecticut-River; nevertheless, allowing and conceding, that if the Hon. Continental Congress should establish the State of *Vermont*, that in such Case the State of *New-Hampshire* will acquiesce therein; and that said State should not extend Jurisdiction farther West than the West Bank of Connecticut-River, till otherwise directed by Congress. — Concurr'd by the Hon. Board. — The General Court then chose a Committee to wait on the Committee of Congress, supposing they would come to the County of *Grafton*.

Although this Proceedure of the Court of *New-Hampshire* doth not appear to be to the Disadvantage of *Vermont*, but rather as a Bar against *New-York*; yet I must not omit to observe, that there are a Number of the Members of that Court, who would be exceeding glad to have the Territory of *Vermont* added to *New-Hampshire*. Their principal Motives to me appear to be these, viz. That the Addition of the Territory of *Vermont* to that State, would most certainly bring the Seat of Government into another Neighbourhood; but a greater Inducement is the unappropriated and Tory Lands within this State, which, if added to *New-Hampshire*, would help them in the heavy Lift of paying Taxes. — If said Lands are a sufficient Motive for some Part of the General Court of *New-Hampshire* to wish to enlarge their Government for a Share in them, surely it would not be for the Interest of the Inhabitants of this State, to take in so many Partners on that Footing, but to the Interest of each Individual to oppose such an ungenerous Extention of *New-Hampshire*; and warrantable for the following Reasons:

The State of *Vermont* is at this Time formidable against its old Adversary, *New-York*, and has little or nothing to fear from her

Power in Arms or Influence at Congress. — In former Days, when under *British* Administration, for any Sett of Men to rise and oppose the Authority, was thought a most daring Thing: People in general were under a strong traditional Bias in favor of Government, and but few, how much soever they might be oppressed, had that Fortitude and Patriotism that they dare appear in Arms to defend their just Rights, in Opposition to the undue Exercise of Law, when attempted to be exercised by legal Officers of Justice; and when they did, seldom failed of losing some of their Lives, and being vanquished by their Adversaries — witness *Nobletown, Livingston's-Manor, Bateman's-Patent, &c.* — In those Days the *Green-Mountain-Boys* were put to the sad Alternative of rising in Arms, and opposing the legislative and executive Authority of *New-York*, or of giving up their Lands and Possessions to the Land-jobbers of said Province. Then the *Green-Mountain-Boys* were few in Number, settled in a Wilderness Country, generally poor, but little more than the Heavens to protect them and their Families from the Inclemency of the Weather, the Justice of their Cause not publicly known — a rich, powerful and intriguing Province to contend with, who did not fail to send their Emissaries amongst them, in order to make Divisions, by Commissions, and every other Way in their Power. In short, no Kind of Bribery or Corruption was too mean for them to be guilty of. Then were the Lives, Liberties and Properties of the People at Stake. In this Situation, a few small Companies of *Green-Mountain-Boys*, (stimulated by the same patriotic Spirit of Freedom which has since shined with a superior Lustre from one End of this Continent to the other) baffled all the diabolical Machinations of their inveterate Adversaries, for more than seven Years together. Can this be accounted for, without acknowledging the propitious Agency of the Deity? — In those Days, repeated Applications were made to *New-Hampshire*, to exert herself to obtain the Jurisdiction again; but her Language was then nearly similar to that of righteous *Job*; for *it was the King gave, and the King had taken away, and blessed be the Name of the King*: From that Day to this, said State hath not exerted herself to obtain Jurisdiction again.

It was by Virtue of a royal Edict, that *New-Hampshire* ever had a Right of Jurisdiction to the Westward of Connecticut-River, and by the same Authority, in 1764, the Jurisdiction was curtailed to the west Bank of said River; and the Assembly of said Province did then acquiesce therein. The Members thereof did publicly assert, that they had no Desire that their Province should extend any farther than said River; and that they would not do any Thing to obtain Jurisdiction over a Territory they did not want. — Had the People then submitted to the Jurisdiction of *New-York*, and since the present Revolution associated with them, and assisted in forming a Constitution, established Courts, &c. the Inhabitants would now have been effectually bound down to the Jurisdiction of said State; and it would have been now as much out of the Power of *New-Hampshire* to extend their Jurisdiction to their antient western



Limits, as for the *Massachusetts-Bay* now to extend their Jurisdiction to their antient northern Limits, which I believe none are now so hardy as to think of.

By what has been already elucidated, it appears that the Inhabitants of the Grants, by their own Exertions, have saved themselves from the heavy Yoke of Bondage which *New-York* had prepared for them and their Posterity; and that the Right of *New-Hampshire* (so late in the Day) to the Territory of *Vermont*, must be very inconsiderable: And now, for a few of the Members of that General Court, with the Assistance of a few Individuals to the East and West of Connecticut-River (for sinister Views) to think of breaking up the State of *Vermont*, and connecting the Territory thereof again to *New-Hampshire*, is an idle Whim, a mere Chimera. — It is well known, that by Reason of Oppressions from *Great Britain*, *America* revolted from her, and published to the World a List of Grievances for the Vindication of her Conduct. — In like Manner the Inhabitants of the now State of *Vermont*, published a List of Grievances received from *New-York*, which to me appear as numerous and aggravating as those this Continent has against *Great-Britain*.

All governmental Power was given by GOD himself to the People; therefore the Inhabitants of the now State of *Vermont* did associate together, and assume to themselves that inestimable Blessing of Heaven, *civil Government*. This they did upon the same grand original Basis, or great Rule of eternal Right, that a Number of the present Powers of *Europe* revolted from the several Kingdoms to which they paid Allegiance, and on which the United States of *America* revolted from *Great-Britain*, and assumed to themselves civil Government. The Inhabitants of *Vermont*, for more then ten Years last past, have nobly exerted themselves for the Defence of their Liberties and Property, and in the present Revolution did most heartily join their Brethren for the joint Defence of the Liberties and Property of the *Americans* in general, and have distinguished themselves to the World, as a truly brave and enterprising People; and it is conceded to by the United States, that they have done their full Proportion in this War, consequently they are intitled to equal Privileges with the Rest of their Brethren in *America*.

They have not delegated their natural Right of Legislation out of their own Hands: — Their Numbers and Territory are sufficient for a State; and they have now as good a Right to govern their own internal Police, as any one of the United States have theirs. By their noble Exertions in the Cause of Liberty, they have acquired the Esteem and Confidence of the United States — merited a Right to the Article of Confederacy, and a Seat in the Grand Council of *America*. These precious Privileges, I conceive, will be the ultimate Reward of their many expensive Toils, Battles and Hazards, and for the Attainment of which they have suffered such an uncommon Share of concomitant Evils. — And as I have Reason to apprehend the Grand Council of *America* is composed of as great Patriots as any on Earth, doubt not but in due Time they will grant us our reason-



able Request: — indeed it is for the Interest of the United States to do it, as soon as the Circumstances of the Continent will admit; therefore we need not hurry them — It is an antient maxim, that *Representation and Taxation should go together*; and until this State is represented in Congress, no Continental Tax can justly be laid on it.

Is it not strange that any of the Inhabitants of this State, who have perused the Constitution and Laws, and duly considered the Advantages that would accrue to each Individual by being and remaining a distinct State, would be willing to give up those Privileges, and connect with any other State? — Surely the Constitution is upon the most liberal Foundation — the Laws are well calculated to preserve inviolate the Liberties and Property of each Individual — the Act of Oblivion settles past Controversies, and puts those who made the Laws and those who opposed them on one Footing, each having a Right to the Protection of the same; and as one common Interest runs thro' the Whole, hope that past Animosities will be forgotten, and all join Hand in Hand to support their common Rights and Interests.

The Circumstances of this State, in some Respects, is different from every other State on the Continent; — it is not in Debt — I have as much Money in my Office, as is due from the State, except what I have taken in upon Loan; to balance which, I have in my Office about as much Money in Continental Loan Office Notes, so that on a Balance, the State is little or none in Debt, excepting what may be supposed to be this State's Proportion of the Continental Debt — (If any Individual in the State is not satisfied with this Stating of Accounts, I invite him to wait on me at my Office, and I will exhibit the public Books of Debt and Credit for the Proof of the Assertion) — But there are several valuable Tracts of Land, the Property of this State; — how far those Lands will go towards paying the Continental Debt, do not at this Time take upon me to determine.

Every one of the United States have emitted large Sums of Money, some Part of which has been called in, by giving States Loan Office Notes for the same, which are yet due. By this and other Proceedings of the several States, they are in Debt. The Inhabitants of the respective States, have received the Benefits of such Debts when they contracted them; but the Inhabitants of this State have received no Benefit from such Debts; and why they should, any of them, wish to connect with any such State, when they know they will be brought in to pay a Part of all such Arrearages, is a Thing almost unaccountable.

As there are four public Rights of Land in each Town in this State — one for the first settled Minister, one for Schools, one for the first settled Church Minister, and one for propagating the Gospel in foreign Parts — I propose for Consideration, whether it would not be advisable for the Assembly to direct each Town to lease out the two latter, and the Avails to be by each Town appropriated for the Support of the Gospel in the same.

Lastly, I proceed to state two Matters that are Facts, which I believe will not be disputed by any; from which I shall ask two Questions.

*Fact First.* A certain Fraternity of Gentlemen, contiguous to Connecticut River, after the Inhabitants of the Grants west of said River had declared themselves to be a free State, by the Name of *Vermont*, did assert that said State had a just Right to be a State; and that the Grants east of Connecticut River were unconnected with any State, and had a just Right to join said State.

*Question First.* Did the Dissolution of the Union (so called) lessen the Right the State of *Vermont* had to be a State before the said Union took Place? — If it did, in what Manner?

*Fact Second.* It was also asserted by said Gentlemen, that *New Hampshire* had no Right, Title or Colour of Jurisdiction to the West of the *Mason Line* — That the Grants West of the *Mason Line*, and East of the Connecticut River, had a good Right to form themselves into a State, and would do it, if the State of *Vermont* would not take them into Union. — The foregoing Assertions being granted;

*Question Second.* What Propriety is there now in requesting *New-Hampshire* to extend their Claim and Jurisdiction over the Territory of *Vermont*?

I am, Friends and Countrymen, your obedient and ever faithful Servant,

IRA ALLEN.

*Norwich, July 13, 1779.*

*I beg Leave to subjoin the following Copy of a Letter from the Hon. Committee of Congress, to the Committee of the Yorkers in the lower Part of Cumberland County.*

BENNINGTON June 23d, 1779

GENTLEMEN,

The Subscribers are here at present, as Members of a Committee of Congress sent for the express Purpose of endeavoring to bring about an amicable Settlement of the Differences between the State of New-York and the Inhabitants of the New-Hampshire Grants, who have formed themselves into a State, called by them the State of Vermont.

We have understood that you, and others of the State of New-York, have declined taking your turn of militia Duty, for the Defence of the Frontiers, because the Requisition was made under the Authority of the State of Vermont; and that you have met with some Trouble on this Account.

We have therefore sent this to inform you, that we hope there will be, by Interposition of Congress, a happy Accommodation of all Differences, in a short Time. In the mean while we have obtained a Promise of Gov. Chittenden, that you shall not be molested till Matters are finally settled; and we have engaged to write to you, voluntarily and freely to raise your full Proportion of Men, when ever your Neighbours are called, and you are informed of this, either by Continental Officers, or the new State, till such Time as you have special Directions from the Governor of New-York, which we hope to obtain for you, on our return Home. This we are confident you will readily comply with, as otherwise People will be tempted to impute your Conduct to Disaffection to the Cause of the United States.

We hope that you will understand that the Protection and Forbearance which is promised us on your Behalf is to be considered as the only Condition of your cordially complying with our Request, and in every Respect Behaving quietly and orderly, while the Measures for Pacification are on Foot.

We are, &c.,

JOHN WITHERSPOON  
SAM. J. ATLEE



## VI

### REMONSTRANCE OF THE VERMONT AGENTS AGAINST THE PROCEEDINGS OF CONGRESS

Sept. 22, '80

TO THE HONOURABLE CONGRESS OF THE UNITED STATES OF NORTH  
AMERICA.

The remonstrance of Ira Allen and Stephen R. Bradley, Commissioners from the free and independent State of Vermont, appointed for the time being to attend on Congress.

With pleasure they embrace this first opportunity to testify their thanks for the personal honour done them by Congress, in giving them an attendance, though in a private capacity, with their honourable body: At the same time they lament the necessity which obliges them to say, they can no longer sit as idle spectators, without betraying the trust reposed in them, and doing violence to their feelings, to see partial modes pursued, plans adopted, *ex parte* evidence exhibited, which derives all its authority from the attestation of the party; passages of writings selected giving very false representations of facts, to answer no other end but to prejudice your honourable body against the *State of Vermont*; thereby to intrigue and baffle a brave and meritorious people out of their rights and liberties. We can easily conceive the Secretary's office of the State of New York may be converted into an inexhaustible source to furnish evidence to answer their purpose in the present dispute.

Needless would it be for us to inform Congress, that by the mode of trial now adopted, the State of Vermont can have no hearing without denying itself: And to close with those resolutions, which we conceive our enemies have extorted from your honourable body, and on which the trial is now placed, would be, in fact, taking upon ourselves that humility and self abasement, as to lose our political life in order to find it.

We believe the wisdom of Congress sufficient to point out, that pursuing the present mode, is deviating from every principle of the laws of nature, or nations: For if the dispute is between the States claiming on the one part, and the State of Vermont on the other, whether the latter be a State *de jure*, or an independent jurisdiction *de facto*, they ought to be considered in the course of the dispute, until the powers interposing have determined whether the latter be an independent jurisdiction *de jure*; if not they of course ought to annihilate the jurisdiction *de facto*, but to annihilate the State *de facto*, in the first place, is summarily ending the dispute; to deny the latter any independent jurisdiction *de facto*, is to deny there is any longer parties in the dispute.

Again, we conceive the means connected with the end, and upon no principle whatever can we justify, that either part should establish the modus, or rules to be pursued in determining disputes, without confounding every idea of right and wrong. In the present case, on the one part might the end as justly have been established as the way and means to effect the end.

We are far from being willing those brave and strenuous efforts made by the State of Vermont, in the controversy with Great Britain, should be buried by our grasping adversaries (thirsting after domination and prey) in the specious pretext of riotously assuming Government; and we thereby lose all credit for the men and money we have expended.

Thus, while we are necessitated to remonstrate against the proceedings of Congress on the present mode, we are willing, at the same time, any equitable enquiry should be made, the State of Vermont being allowed equal privileges with the other States in the dispute.

And that the State of Vermont might stand justified in your honourable body, and to the world, both as to her present and future conduct, we are induced, as well from principles of attachment to the American cause, as a regard we have for peace and harmony among the states of America now at war with Great Britain, to make the following proposals, viz.

1st. That the State of Vermont will, as soon as may be, forward to the Secretary of Congress, an attested return of all male persons, liable to do duty agreeable to a militia act heretofore exhibited to Congress in a code of laws, entitled 'The Laws of Vermont;' and the State of Vermont shall, for and during the present war with Great Britain, from year to year, furnish an equal number of troops in the field, in proportion to their numbers, as Congress shall estimate the quotas of the several United States, in proportion to their numbers; which troops shall be clothed, quartered and paid by the State of Vermont. And, at the close of the war, the dispute shall be equitably settled by the mediation of sovereign powers; and nothing herein contained, shall be construed to take away the right any of the United States claim to have in or over the State of Vermont: Or

2dly, We are willing to agree upon some one or more of the Legislatures of the disinterested States to interpose as mediators, and settle the dispute: Or

3dly, We are willing Congress, being possessed of sovereignty should interpose to prevent the effusion of human blood; at the same time, we reprobate every idea of Congress sitting as a Court of Judicature, to determine the dispute, by virtue of authority given them by the act or acts of the State or States that make but one party.

It gives us pungent grief that such an important cause of this juncture of affairs, on which our *all* depends, should be forced on by any gentlemen professing themselves friends to the cause of America, with such vehemence and spirit as appears on the part of the

State of New York: And shall only add, that if the matter be thus pursued, we stand ready to appeal to God and the world, who must be accountable for the awful consequences that may ensue.

Done at Philadelphia, this 22d day of September, A.D. 1780.

IRA ALLEN

STEPHEN R. BRADLEY



## VII

### THE REMONSTRANCE OR LETTER TO THE PRESIDENT OF CONGRESS \*

BENNINGTON *January 9<sup>th</sup> 1783*

SIR,

Your Excellency's Letter of the 11<sup>th</sup> ult<sup>o</sup>: inclosing an Act of Congress of the 5<sup>th</sup> of December last, I have duly received, and have this day laid the same before the Council of this State, who agree in the Opinion, that the Interference of Congress to controul the internal Police and Government of this State, is a matter too serious and extensive in its nature to be determined, without consulting the Legislative Authority of the State, whose adjourned Session is to be attended on the Second Thursday of February next; at which time, I shall lay the same before them, and, as soon as may be, communicate to your Excellency their determinations on the premises. And in the mean time beg leave to lay before Congress the following remonstrance against their said Act, which is founded *partly* on a mutual Agreement between Congress on the one part, and the State of Vermont on the other, that the latter should have been taken into the federal Union of the United States, previous to the date of the passing of the said Act; and *partly* on the Impropriety of the Claim of Congress to interfere in the internal Government of this State.

And, Firstly; Congress is reminded of their solemn Engagements to this State, in their public Acts of the 7<sup>th</sup> and 21<sup>st</sup> of August 1781, which were officially transmitted to the Legislature of this State, and are in the following words;

By the United States, in Congress Assembled. August 7<sup>th</sup> 1781.

Congress took into consideration the report of the Committee, to whom was recommitted their report on the Letter of the 20<sup>th</sup> June, from the President of New Hampshire; together with a Motion relative to the subject, and thereupon came to the following resolutions. Whereas the States of New Hampshire, and New York have submitted to Congress the decision of the disputes between them, and the people inhabiting the New Hampshire Grants, on the West side of Connecticut river, called *the State of Vermont*, concerning their respective claims of Jurisdiction over the said territory, and have been heard thereon; And whereas the people aforesaid claim and exercise the power of a sovereign Independent State, and have requested to be admitted into the federal Union of the United States of America; in order thereto, and that they may have an Opportunity to be heard in Vindication of their said claim,

RESOLVED, that a Committee of five be appointed to confer with such person or persons, as may be appointed by the people residing on the New Hampshire Grants, on the West side of Connecticut River, or by their representative Body, respecting their Claim to be an Independent State; and

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\* Hartford: Printed by Hudson & Goodwin, M.DCC.LXXXIII. 12mo, pp. 20.

on what terms it may be proper to admit them into the federal Union of these States, in case the United States in Congress Assembled shall determine to recognize their Independence, and thereof make report. And it is hereby recommended to the people of the territory aforesaid, or their representative Body, to appoint an Agent, or Agents to repair immediately to Philadelphia, with full powers and Instructions to confer with the said Committee, on the matters aforesaid; and on behalf of the said people to agree upon, and ratify terms and Articles of Union and Confederation with the United States of America, in case they shall be admitted into the Union. And the said Committee are hereby instructed to give notice to the Agents of the States of New Hampshire and New York, to be present at the Conference aforesaid.

RESOLVED, that in case Congress shall recognize the Independence of the said people of Vermont, they will consider all the Lands belonging to New Hampshire and New York respectively, without the limits of Vermont aforesaid, as coming within the mutual Guarantee of Territory contained in the Articles of Confederation; and that the United States will accordingly Guarantee such Lands, and the Jurisdiction over the same, against any claims or Encroachments from the Inhabitants of Vermont aforesaid.

Extract from the Minutes,  
(Signed) CHARLES THOMSON *sec<sup>y</sup>*

By the United States in Congress Assembled. August 21<sup>st</sup> 1781.

It being the fixed purpose of Congress to adhere to the Guarantee of the States of New Hampshire and New York, contained in their Resolutions of the 7<sup>th</sup> Instant.

RESOLVED, that it be an indispensible preliminary, in order to the recognition of the Independence of the people inhabiting the territory called The State of Vermont, and their Admission into the federal Union, that they explicitly relinquish all demands of Lands, and Jurisdiction on the East side of the West banks of Connecticut river, and on the West side of a Line beginning at the North west corner of the State of Massachusetts, thence by a line twenty Miles east of Hudson's river, so far as said river runs northerly in its general Course, thence by the West bounds of the Townships granted by the late Government of New Hampshire, to the river running from south-Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the Waters of Lake Champlain to Latitude 45°. North, excepting a Neck of Land between Missiskoy Bay, and ye waters of Lake Champlain.

Extract from the Minutes,  
(Signed) CHARLES THOMSON *Sec<sup>y</sup>*

Confiding in *the Faith and Honor of Congress* in the foregoing Resolutions, and in Consequence of Advice received in a Letter from His Excellency General Washington dated the 1<sup>st</sup> of January 1782, which was publicly read, and on which *Great Confidence* was placed, in which he says;

It is not my business, neither do I think it necessary now, to discuss the origin of the right of a number of Inhabitants to that Tract of Country, formerly distinguished by the Name of New Hampshire Grants, and now known by that of Vermont. I will take it for granted that their right was good, because Congress by their resolve of the 7<sup>th</sup> of August imply it and by that of the 21<sup>st</sup> are Willing fully to confirm it, provided the New State is

confined to certain described Bounds. It appears therefore to me, that the dispute of boundary is the only one which exists, and that, this being removed all further difficulties would be removed also, and the Matter terminated to the Satisfaction of all parties.'

His Excellency the General further observes:

You have Nothing to do, but withdraw your Jurisdiction to the Confines of your old limits, and obtain an Acknowledgment of Independence and sovereignty, under the resolve of the 21<sup>st</sup> of August, for so much territory as does not interfere with the ancient established Boundaries of New York, New Hampshire and Massachusetts. I persuade myself, you will see and acquiesce in the reason, the Justice, and indeed the Necessity of such a Decision.

The Legislature of this State were induced to comply with the *Indispensible preliminary* required of them, in the last recited Act of Congress; as appears by the following, which is an Extract of their proceedings.

State of Vermont, In General Assembly. Feb<sup>y</sup> 22<sup>d</sup> 1782.

The recommendation of the Grand Committee, consisting of His Excellency the Governor, the Honorable The Council, and The Representatives of the people, on taking into consideration the Resolutions of Congress respecting this State, in the Month of August last, being read, is as follows;

That in the sense of this Committee, Congress, by their resolutions of August last, in guaranteeing to the States of New York and New Hampshire respectively, all the territory without certain limits therein expressed, has eventually determined the Boundaries of this State.

And whereas it appears to this Committee, consistent with the Spirit, True Intent, and Meaning of the Articles of Union entered into by this State, with the Inhabitants of a certain District of Country, on the East side of the West Banks of Connecticut river, and on the West side of a line twenty Miles East of Hudson's river; which Articles of Union were executed on the 25<sup>th</sup> Day of February, and the 15<sup>th</sup> day of June last, that Congress should consider and determine the Boundary lines of this State:

It is recommended to the Legislature of this State to pass resolutions, declaring their acquiescence in and Accession to the determination made by Congress of the Boundary lines between the States of New Hampshire and New York respectively, and this State, as they are in said resolutions defined & described. And also, expressly relinquishing all claims to, and Jurisdiction over, the said Districts of Territory without said Boundary Lines, and the Inhabitants thereon residing. Confiding in the Faith and wisdom of Congress, that they will immediately enter on Measures to carry into Effect the other Matters in the said Resolutions contained, and settle the same on equitable Terms, whereby this State may be received into, and have and enjoy all the protection, Rights, and Advantages of a federal Union with the United States of America, as a free Independent, and Sovereign State, as is held forth to us, in and by the said resolutions. And that the Legislature cause official Information of their Resolutions to be immediately transmitted to the Congress of the United States, and to the States of New Hampshire and New York respectively. Whereupon

Resolved, that the foregoing recommendation be complied with, and that the West Banks of Connecticut river, and a line beginning at the North west corner of the State of Massachusetts, from thence Northward twenty Miles East of Hudson's River, as specified in the Resolutions of Congress in Au-



gust last, be considered as the East and West Boundaries of this State. That this Assembly do hereby relinquish all claims and Demands to, and right of Jurisdiction in and over any and every district of Territory without said boundary lines.

That authentic Copies of this resolution be forthwith officially transmitted to Congress, and the States of New Hampshire and New York respectively.

February 28<sup>th</sup> 1782

The Honorable Moses Robinson and Paul Spooner Esquires, Isaac Tichenor Esquire, and The Honorable Jonas Fay Esquire were elected Agents, and Delegates, to represent this State in the Congress of the United States.

Resolved, that His Excellency The Governor be, and he is hereby requested to commissionate the aforementioned Agents with plenary Powers to negotiate the Admission of this State into the Confederation of the United States, Three of whom are hereby authorised to transact said Business. And this State being admitted into *the Confederation* with the United States, any one or two of said Agents are hereby empowered to take their Seats, and represent this State in Congress.

The said Agents having been commissioned, agreeable to the above Resolutions, a Clause of which is in the following words; 'To negotiate and compleat on the part of this State, the Admission thereof into a federal Union with the United States of North America. And in Behalf of this State to subscribe Articles of perpetual Union and Confederation therewith.' They repaired to Philadelphia on the business of their said Agency, and on the 31<sup>st</sup> of March 1782, officially laid before Congress the aforesaid Compliance of the Legislature of this State, with the propositions contained in the forementioned Resolutions of Congress of the 7<sup>th</sup> and 21<sup>st</sup> of August 1781. And the whole matter having been referred, by Congress, to a Committee of their own Members, viz; 'M<sup>r</sup> Clymer, M<sup>r</sup> Carrol, M<sup>r</sup> Clark, M<sup>r</sup> Livermore and M<sup>r</sup> Law.' The said Committee, on the 17<sup>th</sup> of April 1782, reported their Opinion to Congress in the following words;

That, in the sense of your Committee, the people of the said District by the last recited Act (*to wit; the Act of the Legislature of this State of the 22<sup>d</sup> of February before recited*) have fully complied with the Stipulation made & required of them in the Resolutions (*of Congress*) of the 20<sup>th</sup> and 21<sup>st</sup> of August, as preliminary to a Recognition of their Sovereignty, and Independence, and Admission into the federal Union of the States. And that the *conditional* promise, and Engagement of Congress of such recognition, and Admission, is thereby become *absolute* and *necessary* to be performed. Your Committee therefore submit the following Resolution:

That the District or Territory called Vermont as defined and limited in the resolutions of Congress of the 20<sup>th</sup> and 21<sup>st</sup> of August 1781, be, and is hereby recognized, and acknowledged by the name of *The State of Vermont*, as free, sovereign, and Independent. And that a committee be appointed to treat and confer with the Agents and Delegates from said State, upon the Terms and Mode of the Admission of the said State into the federal Union.

It appears by an attested Extract from the Minutes of Congress, that, after the foregoing Report was read,

A Motion was made and seconded; That the first Tuesday in October (*then*) next be assigned for the consideration of the Report. And on this question being put, it passed in the negative.

A Motion was then made and seconded, that the Third Tuesday in June (*then*) next be assigned for the Consideration of the Report. On the question to agree to this Motion, it was lost.

A motion was then made and seconded, that Monday (*then*) next be assigned for the consideration of the Report. On the question to agree to this, it passed in the negative.

By the last mentioned Motions, and the Manner in which Congress left the Matter, the Agents and Delegates, in behalf of this State, officially delivered to His Excellency, then President of Congress, a Letter, of which the following is a copy.

PHILADELPHIA 19<sup>th</sup> April 1782

SIR,

The situation in which Congress has been pleased to leave the Business of our Mission, as Agents and delegates from the State of Vermont, renders our attendance at present unnecessary. As the Representatives of an Independent and virtuous People, we esteem it our Duty to inform Congress, that, in consequence of their Faith pledged to us, in, & by a Resolution of the 20<sup>th</sup> of August last, and by Official Advice from sundry Gentlemen of the first Characters in America, the Legislature of Vermont have been prevailed upon to comply, in the most ample manner, with the Resolutions aforesaid.

On the 31<sup>st</sup> ult<sup>o</sup> we officially acquainted Congress with the said Compliance; together with the powers vested in us; in full Confidence that, from the Integrity & wisdom of that Honorable Body, no obstacle could prevent our Confederation and Union with them.

We are disappointed, by the unexpected delay of Congress in executing on their part, the intent and spirit of the Resolve above cited. We would not wish to urge the Attention of the Grand Council of America, from Matters of more consequence than merely the Happiness of a State; but the critical Situation Vermont is reduced to, by casting off a considerable part of the Strength, — In being exposed as a forlorn Hope, to the main Force of her Enemy in Canada, and destitute of the aid of the United States, in whose Cause, at an early period she freely fought and suffered, will, we presume, sufficiently apologize for being thus urgent, that unnecessary delay may not deprive us of the Benefits of the Confederation. We purpose to leave this City tomorrow morning; and expect to be officially acquainted when our Attendance will be necessary, And

Have the Honor to be,

Sir, your Most Obedient, &

Humble Servants,

JONAS FAY

(Signed) MOSES ROBINSON

ISAAC TICHENOR.

HIS EXCELLENCY

THE PRESIDENT OF CONGRESS

In consequence of this procrastination of Congress, the Agents of Vermont returned, and reported the aforesaid proceedings to the Legislature of this State. And in October last, the said Legislature

again appointed Agents, with full powers and Instructions, for the purpose of meeting Congress upon Terms and Articles of an Admission of this State into the federal Union, not conceiving, that Congress would have departed from their Agreement before recited; but supposing their hitherto declining to execute it, might have been owing to a Stretch of Policy, incomprehensible to this Government.

This being the confident disposition of the Inhabitants of this State towards Congress: and a recognition of their Independence and Sovereignty, and Admission into the federal Union, being thus secured by the promise & Engagement of the United States, they could not, in this Situation, be otherwise than alarmed, on receiving an Act of Congress in the following words:

By the United States in Congress Assembled. Dec<sup>r</sup> 5<sup>th</sup> 1782.

Whereas it appears to Congress by authentic Documents, that the people inhabiting the District of Country, on the west side of Connecticut river, commonly called The New Hampshire Grants, and claiming to be an Independent State, in contempt of the authority of Congress, and in direct Violation of their Resolutions of the 24<sup>th</sup> of September 1779 and of the 2<sup>nd</sup> of June 1780, did, in the Month of September last, proceed to exercise Jurisdiction over the persons and properties of sundry Inhabitants of the said District, professing themselves to be subjects of, and to owe Allegiance to the State of New York; by Means whereof divers of them have been condemned to Banishment, not to return on pain of Death and confiscation of Estate, and others have been fined in large Sums, and otherwise deprived of Property. Therefore

Resolved, that the said Acts and proceedings of the said People, being highly derogatory to the Authority of the United States, and dangerous to the Confederacy, require the immediate and decided Interposition of Congress, for the Protection and relief of such as have suffered by them, and for preserving Peace in the said district, until a decision shall be had of the Controversy relative to the Jurisdiction of the same.'

That the people Inhabiting the said district claiming to be Independent, be, and they are hereby required without Delay to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck and such others, as have been condemned to Banishment and Confiscation of Estate, or have otherwise been deprived of Property, since the first Day of September last, for the damages they have sustained by the Acts and proceedings aforesaid; And that they be not molested in their persons or properties on their return to their habitations in the said District.

That the United States will take effectual Measures to enforce a Compliance with the aforesaid Resolutions, in case the same shall be disobeyed by the people of the said district. 'That no persons holding Commissions under the State of New York, or under the people of the said district claiming to be Independent, exercise any authority over the persons and Properties of any Inhabitants in the said District, contrary to the forementioned Resolutions of the 24<sup>th</sup> of September 1779, and the 2<sup>nd</sup> of June 1780.'

That a copy of the foregoing Resolutions be transmitted to Thomas Chittenden Esquire of Bennington, in the district aforesaid, to be communicated to the people thereof.

Extract from the Minutes,  
(Signed) CHARLES THOMSON *Secy.*



From the before recited Resolutions of Congress, the Journals of the Legislature of this State, and the after Transactions between the United States In Congress Assembled, and the Agents or Delegates from this State, the following Inference are deduced, to wit; The last mentioned Resolutions of Congress of the 5<sup>th</sup> of December 1782 are altogether predicated on other Resolutions of theirs of the 24<sup>th</sup> of September 1779 and the 2<sup>nd</sup> of June 1780, (which prescribed to this State in part a desisting from the Exercise of civil Government) in which intermediate space of time between the passing of the said resolutions of the 24<sup>th</sup> of September 1779 and 2<sup>d</sup> of June 1780, and those of the 5<sup>th</sup> of December 1782, a Confederation or federal Union between the United States represented in Congress, and the Legislature of this State had been mutually agreed upon between them, which agreement absolutely nullifies the force and validity of those Resolutions of Congress of the 24<sup>th</sup> of September 1779 and 2<sup>nd</sup> of June 1780, on the Supposition, that they were originally binding on this Government, (which is by no means admitted) and inasmuch as the said last Resolutions of Congress of the 5<sup>th</sup> of December 1782 are essentially founded on those antecedent resolutions of theirs of 1779 and 1780, which were disannulled by the same authority that Resolved them, in consequence of a subsequent Mutual Agreement of a federal Union between the United States and this State as aforesaid, and necessarily invalidates the last resolutions of Congress of the 5<sup>th</sup> of December 1782, for they cannot be of any more validity than those other resolutions of 1779 and 1780, on which they were predicated. For the before recited preliminary Agreement proposed on the part of Congress, of a federal Union of the United States with this, and in the fullest and most explicit Manner acceded to, on the part of this State; is something or nothing. If it amounts to anything, it superceeds and invalidates all antecedent and subsequent Resolutions of Congress respecting this State, and renders them nugatory, and is still binding on the part of Congress; but if such solemn Agreements are nothing, all Faith, Trust or Confidence in the Transactions of Public Bodies, is at an end. So certain as the plighted Faith of Congress in their said stipulated Agreement with this State was originally binding on them, the Obligation still remains the same, which of necessary consequence invalidates all other Resolutions of Congress respecting this State, until it is ratified by an Admittance of this State into the Confederation of the United States on their part. I have argued thus far on Congress's own principles, and proceed nextly to the second part of the Argument predicated on the Impropriety of the Pretensions of Congress to controul the internal Police of this State.

Congress will not (it is presumed) pretend to unlimited power, or to any other than what has been delegated to them from the United States; nor will they pretend, that their articles of Confederation will warrant them in interfering with, or controuling the internal police of the United States; whence then did they obtain a rightful prerogative over the internal police of this State from which they have never received any delegated power?

This State (on revolution principles) has as good a right to Independence as Congress, and has an equal right, or rather no right to pass resolutions prescribing Measures to Congress, as Congress has to prescribe to this State to receive their Banished, and make restitution to them and other Criminals of the property, which by a legal Process has been taken from them for their Enormities heretofore committed against the Laws and Authority of this State.

Formerly it has been argued by Congress, and that justly, that if Great Britain had a right to tax the (then) 'American Colonies, as they pleased, without representation, the Colonists could not call any part of their Cash their own, since it might be taxed from them without their consent.' The same Argument will apply against the right of Congress to controul the Civil Authority of this State, for if they may in one Instance do it, they may in another, and so on 'till they suppress the whole.

But should they endeavour to frustrate the Independence of this State, which has as good a Right to it as themselves, it would be a manifest departure from their original design of Liberty.

Congress opposed the Arbitrary assumed prerogative of the British Government to make Laws to bind the (then) Colonies, or to controul their internal police, and have brought about a Revolution, in which the people of this State have signalized themselves. How inconsistent then is it in Congress to assume the same arbitrary stretch of prerogative over Vermont, for which they waged war against Great Britain? Is the Liberty and natural rights of mankind a mere Bubble, and the Sport of State Politicians? What avails it to America to establish one arbitrary power on the ruins of another?

Congress set up as Patriots for Liberty, they did well, but pray extend the Liberty, for which they are contending, to others.

The Inhabitants of the Territory of Vermont have lived in a State of Independence from their first Settlement to this day: Their first mode of Government, and mangement [*sic*] of their internal police was very similar to that of the United States in their first seperation from the British Government. They were governed by Committees of Safety and Conventions, which last was their highest Judicature for the Security of their just rights against the Oppressions of the (then) Province of New York, (The principal Officers of the *Green Mountain Boys*, being then Judges in the said Territory) and which on the fifteenth day of January 1777 declared themselves to be a free and Independent State, and have from their first Settlement of the Country maintained their Independence, and protected their Lives and Properties against all Invaders, and date their Freedom from the Royal Adjudication of the Boundary Line between New York and New Hampshire the 20<sup>th</sup> of July 1764, and are now in the Eighteenth Year of their Independence, and cannot submit to be resolved out of it by the undue influence, which the State of New York (their old Adversary) has in Congress; This is too much, Heavens forbid it! The feelings of the Citizens of Vermont, over which I have the honor to preside, (I am persuaded) will never give



in to it; They are free, and in possession of it, and will remain Independent of New York, notwithstanding their Artifice or Power. This State has no controversy with the United States, complexly considered, and is at all times ready and able to vindicate their just Rights & Liberties against any Usurpations of the State of New York.

To return to the transactions of Congress, particularly their Resolves of the 5<sup>th</sup> of December 1782. 'Resolved, that the said Acts and proceedings of the said People,' *which was that of their Courts of Justice punishing delinquents in due form of Law*, 'being highly derogatory to the Authority of the United States, and dangerous to the confederacy, require the immediate and decided Interposition of Congress for the protection and relief of such as have suffered by them, and for preserving Peace in the said District, until a Decision shall be had of the controversy relative to the Jurisdiction of the same.'

That the exercise of Civil Law in this State is derogatory to the Authority of the United States, considered as such, or that it should be thought dangerous to the Confederacy, is paradoxical; or that the Interposition of Congress in this matter would be a means of restoring Peace in this State, is equally so. Law, Peace and order was established in this District previous to the late resolve of Congress; what Discord they may occasion, time must determine. It is a general opinion, that a ratification of the said stipulated Agreement would have had a more salutary tendency to Peace, than the late Resolutions. And as to the Decision of the Jurisdiction of the territory of this State; Congress, in their Resolutions of the 7<sup>th</sup> and 21<sup>st</sup> of August 1781, did determine the limits, which they would guarantee to the States of New Hampshire and New York by virtue of the Articles of Confederation of the United States which is as follows; 'By the United States In Congress assembled. August 21<sup>st</sup> 1781. It being the fixed purpose of Congress to adhere to the Guarantee of the States of New Hampshire and New York contained in their Resolution of the 7<sup>th</sup> Instant,' *to wit*; that 'they will consider all the Lands belonging to New Hampshire and New York respectively, without the Limits of Vermont aforesaid, coming within the United States will accordingly guarantee such Lands and the Jurisdiction over the same, against any Claims or Encroachments from the Inhabitants of Vermont aforesaid.' Thus far the resolutions of the 7<sup>th</sup> of August referred to in the Resolutions of the 21<sup>st</sup> the latter of which proceeds to point out the particular Boundaries of the Guarantee to the States aforesaid, *to wit*; To the State of New Hampshire all the Lands 'on the East side of the West Banks of Connecticut River;' And to the State of New York all the Lands 'on the West side of a Line Beginning at the northwest Corner of the State of Massachusetts, thence by a Line twenty Miles East of Hudson's River, so far as said River runs northeasterly in its general Course, thence by the West Bounds of the Townships granted by the late Government of New Hampshire to the river running from South



Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to Latitude 45 North, excepting a Neck of Land between Missiskoy Bay and the waters of Lake Champlain.' That Congress has explicitly pointed out, and determined the Boundaries of the Guarantee of the Lands and Jurisdiction of the States of New Hampshire and New York, as far as their respective Claims interfere with this State, was the Opinion of the Committee of the whole Legislature of this State, may be seen from their Journals, to wit; 'Resolved, that in the sense of this Committee, Congress, by their Resolutions of August last, in guaranteeing to the States of New York and New Hampshire respectively, all the territory without certain Limits therein expressed, has eventually determined the Boundaries of this State.'

To this limitation of Vermont its Legislature concurred, as the before quoted Journals may evince. The Boundaries of the States of New York and New Hampshire, as far as they interfere with the State of Vermont, having been already thus adjudicated by Congress; what propriety is there then in their Resolutions of the 5<sup>th</sup> of December 1782, in which they break over their own adjudicated Bounds of August 1781, requiring this State 'without delay to make full and ample Restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck and such others, as have been condemned to Banishment and Confiscation of Estate, or have otherwise been deprived of Property, since the first Day of September last,' 'And that they be not molested in their persons or properties on their return to their habitations, in the said District.' Congress has been so mutable in their Resolutions respecting Vermont, that it is impossible to know on what Ground to find them, or what they design next; at one time they guarantee to the States of New York and New Hampshire their Lands and Jurisdiction to certain described Limits leaving a place for the existence of this State. And the next that this Government hears from them, they are within those Limits, controuling the internal Government of this State. Again they prescribe preliminaries of Confederation, and when complied with on the part of this State, they unreasonably procrastinate the Ratification thereof. 'That the United States will take effectual Measures to enforce a Compliance with the aforesaid Resolutions, in case the same shall be disobeyed by the people of the said District.' In this case it is probable, that this State would appeal to the Justice of His Excellency General Washington.

And inasmuch as His Excellency General Washington and most of the Inhabitants of the contiguous States, are in favour of the Independence of this State, as limited by Congress, as aforesaid; I beg leave to suggest to them whether it is not more prudent to refer the Settlement of this dispute to the States of New York and Vermont, than to embroil the Confederacy of the United States therewith.

Although this State is not amenable to the Tribunal of Congress for the management of their internal police, I nevertheless will give them a brief narrative of Facts relative to those Delinquents, on

whose behalf Congress in their Resolutions of December last have interposed. At the Session of the General Assembly of this State, in February 1781, they made a general Act of Amnesty in favour of such persons within this State, who had previously made Opposition to its Authority, upon which they unanimously submitted to this Government, and all Opposition to it ceased for more than one Year; when the Legislature having ordered a certain quota of Men to be raised in the several Towns throughout this State for the defence of its Frontiers, evil minded persons of the Town and vicinage of Guilford, in the southerly part of the County of Windham, opposed the raising and paying of them, and Governor Clinton of the state of New York, by Letters to them and otherwise, interfered in their Behalf, which caused a second Insurrection in this State; and though every prudent and lenient measure was taken by Government to reclaim the Offenders, they proved ineffectual; in the mean time Governor Clinton gave Commissions, civil and military, to sundry of those disaffected persons, and they had the effrontery to attempt to exercise the Laws of the State of New York over the Citizens of this State, when a Military Force was, by the direction of this Government, sent to assist the Sheriff of Windham County in the Execution of the Laws of this State; and the procedure of the Court relative to the five Criminals, who were banished, & to sundry others, who were amerced in pecuniary Fines, was in due form of Law. The Notorious Samuel Ely, who was ringleader of the late Seditions in the State of Massachusetts (a Fugitive from Justice) was one of the banished, he had left that State, and was beginning Insurrections in this, when he was detected, and carefully delivered to the Sheriff of the County of Hampshire, in the State of Massachusetts, who, as I have been since informed, has secured him in a Gaol at Boston, to the great Satisfaction and Peace of that State. This same Samuel Ely, Timothy Church and William Shattuck, who were three of the banished, had previously taken the Oath of Allegiance to this State, and so had a greater part of those, who were fined; And every of the Towns, in which they resided, had for several Sessions of Assembly, previous to their Insurrection, been represented in the Legislature of this State. So that admitting the Resolutions of Congress of the 24<sup>th</sup> of September 1779 and 2<sup>nd</sup> of June 1780, to be binding on the States of New York and Vermont, which prescribed to them to exercise their respective Jurisdictions over such of the Inhabitants of the controverted Territory, who should profess to our Allegiance to one or both of them, and not to interfere with each others Jurisdiction; and as every of those Inhabitants, previous to the late Insurrection, had conformed to the Government of this State, the Jurisdiction of the State of New York became extinct: and Congress having, in their said Resolves, given their promised right of Jurisdiction to the States of New York and Vermont; and that of New York having been ended as aforesaid, the whole right of Jurisdiction reverted to the State of Vermont, so that, Congress, by their said Resolutions of 1779 and 1780, fairly put the afore-

said banished persons and others under the Jurisdiction of this State, and are foreclosed from interfering with the Jurisdiction of the same, and consequently could have had no Jurisdiction of those Matters, which in their Resolutions of the 5<sup>th</sup> of December 1782 they object to the Civil authority of this State, and in which they so spiritedly interpose their prerogative: for that the said Delinquents were every of them in just construction of Law or reason, Subjects of this State, and therefore agreeable to the express tenor of those Resolutions of Congress of 1779 and 1780 could not be amenable to any other Laws or Regulations but those of the State of Vermont. But admitting, that Congress has a Judicial Authority to controul the internal police of this State, it has an incontestable right to be heard in its defence, as a party (in Law,) and should on this Thesis have been cited by Congress to a hearing at their Tribunal, previous to their having passed their Resolutions of the 5<sup>th</sup> of December last, that this State might have had the priviledge of vindicating their Cause. But that Congress at the special Instance of Charles Phelps (a notorious cheat and Nuisance to Mankind, as far as his acquaintance and Dealings have been extended) should come to a Decision of so important a Matter, *exparte*, is illegal, and contrary to the Law of Nature and Nations. Sir, I beg leave to conclude this remonstrance by earnestly soliciting a Federal Union with the United States, agreeable to the before recited preliminary Agreement, which the Committee of Congress have reported, has 'become *absolute* and *necessary* on their part to be performed,' And from which this State will not recede.

I have the Honor to be,

Sir,

With due respect,

Your Excellency's

Obedient Humble Servant.

THO<sup>S</sup> CHITTENDEN

HIS EXCELLENCY

THE PRESIDENT OF CONGRESS



## VIII

*To His Excellency the Governor, the Honorable Council and House of Representatives of the State of Vermont, to convene at Westminster, in October next.*

The memorial of Ira Allen, humbly sheweth, that as early education is necessary for the promotion of virtue and for the happiness of civil society, and tends to render a people or nation respectable, by disseminating useful knowledge among youth:

And as the establishment of Schools, Colleges and Academies of Arts and Sciences for that purpose has been patronized by all well regulated governments, and is an object that has claimed the attention of the Legislature of this State; The sooner the Legislature establish the place for a College and appoint Trustees to receive Donations, take care of the public lands, prepare materials for buildings, &c. the better. Doubtless many donations may be obtained in new lands now, that can't be had in a future day; the lands sequestered by the State or given by individuals, by settlement and by attention may be made more valuable, and earlier subservient to the public weal.

The place to erect this edifice will no doubt claim the attention of the Legislature, and raise different questions on the subject.

Having honorable views towards the public; and having a desire to make the place I have chosen for my residence, respectable by the establishment of Liberal Arts and Sciences, I therefore name Burlington for that purpose; being situate on the Lake shore, has a most pleasant prospect together with the advantage of an inland navigation, where the waters are clear and beautiful, the soil dry and good for building or gardens; the best of spring water may be brought in pipes to every part of the plain.

Buildings can be erected cheap, as all kinds of materials necessary for that purpose may be had within two miles, except Marble-stone, which may be had cheap, the land carriage being but half a mile. Roads from the back country may conveniently center at this Bay, being about one hundred miles from Dartmouth College, and from its local situation in respect to the Province of Quebec, and northern part of the State of New York, where there are no Colleges; it is therefore, reasonable to suppose considerable donations may be had; besides establishing a regular seminary of learning in this place would annually draw cash from the neighboring Province and States.

Having further to observe, that the lands reserved for the use of a College are mostly in the northerly part of the State, and may be disposed of for an annual rent in produce, on much better terms, than to pay gold and silver, or deliver produce at a greater distance.

That so great an object may soon be affected, I offer to the public

four thousand pounds on the following conditions, (viz) that the Legislature at their next session in Westminster, establish the place for erecting a College in this State at or within two miles of Burlington Bay, in the County of Chittenden, and appoint Trustees for the same.

I bind myself, my heirs, executors and administrators, firmly by these presents, to pay to the Trustees of said College the said sum of four thousand pounds, one thousand of which is to be paid in a proper square of lands sufficient to erect all the public buildings on, to form a handsome green and convenient gardens for the officers of College, the price of this tract of land to be estimated by the major part of said Trustees, and the remaining part of s'd thousand pounds is to be paid to said Trustees in provisions materials and labor in erecting the Public Buildings; the remaining three thousand pounds to be paid to the said Trustees in new lands that will rent in produce, that is Wheat, Beef, Pork, Butter or Cheese, payable to the Trustees of said College for the annual interest at six per cent of said three thousand pounds.

Dated at Colchester, September 16th, 1789

IRA ALLEN

This petition is endorsed:

BURLINGTON *June 16, 1792*

I hereby promise and agree that I will not take any advantage to evade the giving the four thousand pounds as specified in the within memorial according to the true intent thereof for or on account of the College or University not being established by the Legislature at their session at Westminster, and hereby obligate and bind myself, my heirs, Executors and administrators to pay the said sum to the trustees that are now appointed in the same manner as is specified in said memorial.

IRA ALLEN

As early education is Necessary for the promotion of virtue and for the happiness of civil Society, and tends to render a people or Nation respectable by disseminating useful knowledge among youth and as the establishment of schools, Colleges and academies of arts and sciences for that purpose has been patronised by all well regulated Governments, and is an object that has claimed the attention of the Legislature of this State — We the subscribers willing to assist in so laudable a design have made a voluntary subscription and do hereby Covenant promise and agree to pay such sums as we have unto affixed to our names for the purpose of erecting a College in the town of Burlington in the County of Chittenden under such regulations as the present or future Legislature shall direct, to such persons as by s<sup>d</sup> legislature shall be duly Authorized to receive the same, and to be supplied in such way as shall be thought most conducive to carry the same into effect.

## APPENDIX

509

Dated at Burlington this 15<sup>th</sup> day of Sep<sup>r</sup> 1789.

<i>Subscriber Names</i>	<i>Sums</i>	<i>What to be paid in</i>
Tho <sup>s</sup> Chittenden	300	one half in provisions labor and materials the [other] in new lands.
Ira Allen	4000	To be paid as specified in a memorial to be proposed to the legislature at their next session in Westminster
Jon <sup>a</sup> Spofford	200	One half in provisions labor and materials the other in new land.
Noah Chittenden	100	One half in materials the other in lands.
Jedediah Lane	30	one half materials the other in lands
Roderick Messenger	20	all in Materials
Martin Chittenden	25	in materials or lands
Peter McArthur	15	Do
Ruben Butler	12	Labor
Ruben Lee	1	Materials
L. M. Winslow	6	Provision
So <sup>l</sup> Miller	10	Materials
Nathan Allen	6	Provisions
Edw. Allen	4:10	Labor or materials
Nath <sup>nl</sup> Winslow	6	Do
George Homes	6	Provision
Timo <sup>y</sup> Lee	4	Do
Dn <sup>l</sup> . Johnson	1	Labor
	4743:10	
John Jones	1	Labor
Steph <sup>n</sup> Nobbs	3	D.
Timo Chapman	3	D.
Dearing Spear	20	Materials
Ozi Baker	10	in neat Cattle
Barzilla Spear	20	Labor or materials
Josiah Averill	20	Labor
Nathan Baker	6	in labor or materials
John Redd	10	D. in Labor or provisions
Wm Coit	200	one half in provisions labor and materials the other in new Lands
John Collins	10	in Materials
Joel Woodworth	60	one half in provisions and neat Cattle the other in lands or labor
John Stevens	50	one half in materials the other in new lands
David Stanton	40	in materials or lands
Dubartis Willard	7	in labor or materials
Gideon King	15	Do.
Surrene Cottins	10	Materials
Steph <sup>n</sup> Ashley	10	in Cash Pd Ashley from Troy State of New York.
Nath <sup>a</sup> Allen	20	in new lands
Peter Benedict	20	in stock or provisions
Nath <sup>a</sup> Smith	15	Do.
Steph <sup>n</sup> Lawrence	30	Do.
Barnabas Spear	20	in labor or materials



<i>Subser Names</i>	<i>Sums</i>	<i>What to be paid in</i>
Fr <sup>d</sup> Saxton	80	in labor, provisions and Materials
Or <sup>m</sup> Saxton	20	
Step <sup>h</sup> Ayers	16	
Amos Brownson	15	
Joel Brownson	6	
Leonard Hodges	10	
Silas Hatthwa	40	one half in Cattle the other in lands
Lem <sup>t</sup> Bostwick	12	Do.
John McNeel	20	in provisions
Sm <sup>t</sup> Lane	50	in lands or materials
Joshua Stanton	50	of Connecticut either in land or Materials
Total Am <sup>t</sup>	£5655	
Lemuel Messenger	20	Provisions & materials

COLCHESTER 1<sup>st</sup> Sept 1790

GENT.

In pursuance to my appointment by the Assembly in Oct<sup>r</sup> Last directing me to get subscriptions for the establishment of a College in Burlington or such other place within this State as the subscribers might choose, I transmit the within for Burlington which contains all the subscriptions that were made Last year, which induced the Assembly to take up the question & appoint a Committee in each County in the State to obtain subscriptions — I hope the additional subscriptions will be such considering the situation &c as will induce the Legislature at their next Session to establish a College at Burlington notwithstanding the offers that have been & will be made to induce the Legislature to establish a College in some other place — My request is that this business be laid before the Town at Free-mans Meeting, that the same be committed to the member who may be chosen to attend the Assembly & after geting all the subscriptions he can to return the same to the Assembly

Your

Hum<sup>ble</sup> Serv<sup>t</sup>

I. ALLEN

*To the Inhabitants of Essex*

## IX

THE committee to whom was last referred the memorial of Gen. Ira Allen, stating, That in October, 1793, he preferred a petition to the Legislature for altering the name of 'The University of Vermont,' to 'Allen's University;' in which petition he offered to fund the interest of £1000 on land, by deeding 1500 acres of land to the corporation of said university; which lands are bounding between Caldersburgh and Salem, being part of the grant of James Savage, James Whitelaw, & Co. In consequence of which, the act inclosed, No. 1, passed the House, and was referred; and further states, that being desirous to contribute to the funds of said university, assist in beginning a library, &c. he will sign the bond here inclosed, No. 2, in case the honourable the Legislature will pass the inclosed act No. 3 into a law; and praying the Legislature to pass the same.

The 'act, No. 1,' referred to in said memorial, is as follows, viz.

The act altering the name of the University of Vermont.

Whereas Gen. Ira Allen has made a donation of one thousand five hundred acres of land to the corporation of the University of Vermont, on condition the said university shall be stiled hereafter 'Allen's University.'

Therefore,

It is hereby enacted by the General Assembly of the State of Vermont, That the university in this state, heretofore called by the name of 'The University of Vermont,' be in future stiled and known by the name of 'Allen's University.'

The bond, No. 2. referred to in said memorial, is as follows, Viz.

To all people to whom these presents shall come, KNOW YE, That I, Ira Allen, of Colchester, county of Chittenden, and state of Vermont, am held, and firmly bound into the corporation of the University of Vermont, in the penal sum of four thousand pounds; which payment well and truly to be made, I bind myself, my heirs, executors, and administrators, firmly, by these presents. — In witness thereof, I have hereunto set my hand and seal this day of October, 1795.

The condition of this obligation is such, that the above bound Ira Allen is to give a good warrantee deed of that part of the town, granted by the Legislature of the State of Vermont to James Savage, James Whitelaw, & Co. that is bounding on, and contiguous to Caldersburgh, &c. containing about fifteen hundred acres of land; or deed other lands that will lease to secure the interest of one thousand pounds, which is sixty pounds a-year, from the avails of such lands leased, on long leases, as may be customary in this state; said deed is to be given to the corporation of the University of Vermont, and their successors in office, in one year from this date: Said Allen further promises and engages, that he will, within three years from this date, procure and deliver to the corporation of said university, or their successors in office, one thousand pounds, lawful money's worth in books, and apparatus suitable for the use of said university. In case said Allen fulfils the conditions of this bond, in each and every part, that is, gives a good deed of said lands to

said corporation, and procures books to the amount and value of one thousand pounds, and delivers them to said corporation, or their successors in office, within the respective times limited in this bond, then this bond is null and void; otherwise to remain in full force, both in law and equity. — In witness whereof, I have hereunto set my hand and seal.

In presence of.

The 'Act, No. 3,' referred to in said memorial, is as follows, viz.

An act altering the name of the University of Vermont.

Whereas Maj. Gen. Ira Allen, has given four thousand pounds to the University of Vermont, by his memorial to the Legislature, to procure its establishment at Burlington, and now offers two thousand pounds to have the name altered to the name of Allen's University, Wherefore be it enacted by the authority of the State of Vermont, that the name of the University of Vermont, be, and hereby is altered to the name of Allen's University: — and be it further enacted by the authority aforesaid, that the corporation and authority of said university, receive all deeds, gifts, conveyances, and transact all business, of every name and nature whatsoever, in the name of Allen's University, as aforesaid: — And be it further enacted by the authority aforesaid, that in case any future act of the Legislature, should hereafter change the name of said Allen's University to any other name whatsoever, all deeds, gifts, grants, and conveyances of any property whatsoever said Allen may, now or hereafter, make to said university, shall, by altering such name, revert to said Allen, his heirs or assigns, and the conveyances may be made agreeable to this act; any law, usage, or custom, to the contrary notwithstanding.

The committee aforesaid, upon the preceding memorial and accompanying papers, made the following report, viz.

Your committee to whom was referred the memorial of Gen. Ira Allen, praying to have the University of Vermont, altered to Allen's University, on his giving the said university the sum of two thousand pounds. — Your committee have conferred with Gen. Allen, and report this act as the only one he will agree to, to alter the name, and the bond attending this act, as the only terms of securing the sum of £2000. Your committee are of opinion, that the donation is a liberal one as it now stands; but not agreeable to his offer, and what is represented by this act: your committee are satisfied in the securing of that part of the donation that is to be appropriated for the use of a library; but the remainder we consider may be attended with uncertainty, and no way equal to what said Allen would have represented by this act as the reasons for altering the name of said university. Your committee are of opinion, that Gen. Allen does not comply in the securing of the sum agreeable to his representation; that the prayer of his memorial ought not to be granted.

JONATHAN HUNT, for the committee.

The act accompanying the above report is as follows, viz.

An act altering the name of the University of Vermont, to that of 'Allen's University.'

Whereas Maj. Gen. Ira Allen has given four thousand pounds to the University of Vermont, as stated in his memorial heretofore preferred to this Legislature, to establish said university at Burlington; and now offers an



additional sum of two thousand pounds, in consideration that the name of said university be altered to that of 'Allen's University.'

Therefore,

Be it enacted, and it is hereby enacted by the authority of the State of Vermont, That the name of said university be altered, and that it hereafter be known and distinguished, both in fact and in law, by the name of 'Allen's University,' and by that name to sue and be sued, plead and be impleaded; and, in particular, by and under the said name of Allen's University, to do, act, and transact all business relative to said corporation or university, and by and under that name, to have, hold, and enjoy all and singular the rights, privileges, and immunities, which now do, or hereafter of right may belong to said university or corporation; and that all bequests, gifts, grants, or conveyances, hereafter made and executed to said university, be made and executed in that name.

Provided nevertheless, and it is hereby further enacted, That in case the name of said university, shall at any time hereafter be altered by act of legislation, from the name of Allen's University, to that of any other name, without the said Allen's consent, all bequests, gifts, grants, and conveyances, that are at this time, or at any future time may be made by the said Allen, to said university or corporation, shall thereupon become void; and the property so conveyed, revert to the said Allen, his heirs and assigns, in as full and ample a manner, as though the same had never been given, granted, or conveyed to said university.

The bond accompanying the said report is as follows, viz.

To all people to whom these presents shall come, Know ye, That I, Ira Allen, of Colchester, county of Chittenden, and State of Vermont, am held and firmly bound unto the corporation of the University of Vermont, in the penal sum of four thousand pounds; which payment well and truly to be done, I bind myself, my heirs, executors, and administrators, firmly, by these presents — In witness whereof I have hereunto set my hand and seal this day of October 1795.

The conditions of this obligation is such, that the above bound Ira Allen is to give a good warrantee deed of that part of the town granted by the Legislature of Vermont to James Savage, James Whitelaw, & Co. that is bounding on, and contiguous to Caldersburgh, &c., containing fifteen hundred acres of land; but in case the corporation of said university should be of opinion, that said fifteen hundred acres of land will not lease, on long leases, for the interest of one thousand pounds, then said corporation may refuse said land, and said Allen is then to deed and lease, in the name of said corporation, them and other lands; that the interest will commence in five years, to secure the interest of one thousand pounds, which is to be annually paid to the treasurer of said corporation, at said university, in Burlington; and the said corporation shall have ten years from this date to inspect said lands, to see that the quality and cultivation of said lands are such, as will insure a payment of sixty pounds, annually, after said five years, before they give up this bond, and receive said leases from said Allen; and said deeds and leases are to be in the name of said university. — Said Allen further promises and engages, that he will, within three years from this date, procure and deliver to the corporation of said university, or their successors in office, at Burlington, one thousand pounds lawful money's worth of books, and apparatus suitable for the use of said university. In case the said Allen fulfils the conditions of this bond, in each and every part thereof, that is, secures the annual payment of sixty pounds to said university, and pays one thou-

sand pounds in a library and apparatus for said university, as before mentioned, then this bond is null and void — otherwise to remain in full force and virtue in law and equity. In witness whereof, I have hereunto set my hand and seal.

The said report being read, with the accompanying papers, and Gen. Allen being heard thereon,

On the question, Will the house accept the report of the committee? — It passed in the affirmative.

On motion,

Ordered, That Gen. Ira Allen have leave to withdraw his memorial, with the accompanying papers.

## X

### CONTRACT

*[Translated for the Court of Admiralty]*

By the present act passed between the Minister at War, duly authorised to it by an Arrête of the Executive Directory of the date hereof, and Major-General Ira Allen (for himself), at the request of Thomas Chittenden, Esquire, Governor of the State of Vermont, in the United States of America, to purchase arms for the use of the Militia of s<sup>d</sup> State of Vermont, It is stipulated that the French Republic sells to said Ira Allen the quantity of twenty thousand Muskets, foreign make, furnished with their Bayonets, which will be delivered along with their Boxes at the sea port of Ostend, before the first of Fructidor of the present year, answering to the 18<sup>th</sup> of August 1796 (old stile), at the price of twenty-five shillings (livres) in Cash, French money, in gold or Silver per Musket, with the conditions, that, if it was not possible to deliver Bayonets in equal numbers with the Muskets, the sum of five livres, also in cash, shall be deducted for every Bayonet.

And in case those arms should not be in a proper state for use, or should want repairs, a Procès Verbal or Report of these repairs shall be made in presence of both Parties between an Agent of the French Republic, appointed by the Minister at War to deliver s<sup>d</sup> arms at Ostend, and the Person furnished with power by Major-General Allen, in order that the amount of said estimate should be deducted from the general price of the whole of the arms as above mentioned.

And for the execution of the Clauses and Conditions of the present Contract General Allen has paid to the French Republic the sum of one hundred thousand livres in cash, and for the Security of the payment he binds himself, his present and future estate and Goods, his heirs, Executors & Administrators, promising to pay said Remainder of the present Contract in seven Years from the date of the same, with interest of five per cent yearly, to be computed from the time of the delivery of the Muskets and Bayonets, promising also that the payment shall be made at Paris at the time above mentioned.

For the security of the respective Clauses and conditions of the present Contract duplicates have been made in French and English and signed by both contracting Parties.

Done at Paris in the twenty third Messidor in the fourth year of the French Republic, answering to the eleventh of July one thousand seven hundred and ninety six (old stile).

(Signed) THE MINISTER AT WAR  
PETIET (his seal)

Signed MAJOR-GENERAL  
IRA ALLEN (his seal)  
(A Copy)



## CONTRACT

By the present act passed between the Minister of war, duly authorised to it by an arrête of the Executive Directory of the date hereof, and Major-General Ira Allen (for himself), at the request of Thomas Chittenden, Esq., Governor of the state of Vermont, in the United States of America, to purchase arms for the use of the Militia of said state of Vermont, It is stipulated that the French Republic sells to said Ira Allen twenty-four Cannons of brass four pounders at the price and rate of a thousand livres per Cannon, in Cash, French money, in Gold or silver, and six Cannon Carriages, each of which shall be furnished with all the necessary Utensils for the service of said Cannons, at the price and rate of six hundred livres p<sup>r</sup> Carriage, also in Cash as above, and moreover six Cannon Waggons also at the price and rate of six hundred livres per Waggon in Cash; said Cannons, Carriages, and Waggons to be delivered to Gen<sup>l</sup> Allen or the Agent he shall appoint at Ostend before the 1<sup>st</sup> of Fructidor next, answering to the 18<sup>th</sup> of August one thousand seven hundred & ninety six (old stile).

And for the Clauses and conditions of the present Contract Gen<sup>l</sup> Allen has paid to the French Republic the sum of six thousand two hundred & forty livres in Cash, and for the security of the remainder of the payments he binds himself, his present and future estates and goods, his heirs, Executors & administrators, Promising to pay said Remainder according to the stipulation of the present Contract in seven years from the date of the same, with interest at five per Cent Yearly, to be computed from the time of the delivery of the Cannons, Carriages & Waggons, promising also that the payment shall be made at Paris at the time above mentioned. For the security of the respective Clauses and Conditions of the present Contract duplicates have been made in French & English and signed by both Parties.

Done at Paris on the twenty third Messidor in the fourth Year of the Republic, answering to the eleventh of July one thousand seven hundred & ninety six (old stile).

THE MINISTER AT WAR  
Signed PETIET (his seal)

Maj<sup>r</sup> Gen<sup>l</sup> Allen  
IRA ALLEN (his seal)  
Signed (A Copy)

## XI

### DIPLOMACY

[TRANSLATION OF ARTICLE BY IRA ALLEN PUBLISHED IN THE  
JOURNAL OF COMMERCE, PARIS, NO. 319, *August 6, 1800*]

THE conferences which had begun at Paris with the envoys of the United States are for the moment suspended, and there is but little hope that they will be renewed in a short time with success. It appears that those envoys arrived with insufficient powers to conclude a treaty which should give to the French Republic the same advantages granted to the English by the Treaty of Mr. Jay. France would prefer not to treat with the United States at all than to sanction the prerogatives given to her enemy.

This was the question:

The United States and England by the 25th article of their treaty grant to each other the entry and safety in their respective ports of privateers, vessels of war, and the prizes taken from their enemies, and engage themselves never to make in the future time a treaty which should grant the same advantage to any nation at war with one of the two contracting parties; and, whereas the treaty of 1778 with France has been declared void by the United States, and is considered never to have existed, the United States think that without violation of their treaty with Great Britain they may not grant the same privileges to France. It seems that the Americans by that article of the treaty of 1793 (*sic*) with England, have surrendered the power to grant in future to any other nation the advantages which the English enjoy, however much it might otherwise be their policy or interest to do it. The French Republic does not seem disposed to ratify this partiality to her prejudice and in favor of the English, her enemies and rivals; partiality so little expected from the Americans with whom so recently she has made common cause against that same hostile nation, and for the same motive which makes the object of the war which France carries on to-day, her liberty and her independence.

It is unfortunate that the United States have annulled the treaty of 1778 with such precipitance. It seems that they regret it now, for that act takes away from them the power to give to France or any other nation the same advantages granted to the English by the treaty of Mr. Jay. Their diplomats must have had either short-sighted views or very partial ones in favor of the English, or else the envoys give a false interpretation to their instructions and to that treaty because, renouncing the priority that the treaty of 1778 presents, France offers to treat with no other advantage than those enjoyed by the English, advantages which they have enjoyed during the actual war. It seems to me inconsistent for ambassadors to

present themselves to treat of peace when they have no sufficient powers to grant these conditions. This negotiation in the beginning was commenced by the members of the French commission, as if the treaty of 1778 had existed. In fact it was natural to suppose that, the two nations not being in a state of war, one could not annul that treaty without the consent of the other; and from that point of view the French have offered to the Americans an indemnity, admitting the principle of compensation for prizes not lawfully made. They have gone further; instead of exacting from the Americans the indefinite guaranty of the colonies, — an article of that treaty the most disadvantageous for them, — they have confined themselves to substituting a special guaranty, such as had been recommended to the former Embassy to stipulate according to the instructions published by Congress. But the American envoys not being authorized to renew that treaty, even in curtailing the guaranty of the French islands, France thinks herself not bound to grant the compensation claimed for the captures because the Americans themselves had destroyed the basis of their claims by annulling the treaty on which they were founded.

Thus this negotiation has turned upon three points —

- 1st. The existence or the renewal with amendment of the treaty of 1778. France has given up that point after the assurance of the American envoys that they could not renew it.
- 2d. The principle of compensation for unlawful prizes, a principle which France has offered to admit and to pay on condition that the treaty of 1778 should be renewed thus modified according to the instructions given by Washington.
- 3d. Principally the 25th article of the treaty between the United States and Great Britain in respect to the refuge they accord to the armed ships of that nation; advantages on which France will insist as long as her enemies enjoy them to her prejudice.

There is another principle which France keenly desires to establish, and which she has much insisted upon; a principle which the policy and the interests of the Americans demand still more strongly; but the treaty of 1793 (*sic*) with the English deprives them of the right to adopt this rule, viz., that a neutral vessel neutralizes the cargo. Nevertheless France hopes that the powers of the north will adopt it, and then it will be cruel for the United States not to be able to be admitted to it.

It appears, notwithstanding, that those diplomatic conferences have been pursued in the most amicable manner and have seemed to leave on each side but the regret that these difficulties could not be removed. The American ambassadors during their mission at Paris near the French government have been treated with all possible regard and given all the privileges granted to ambassadors of allied nations; and as the principles and the actual system of France are to respect and to protect the rights of nations, and those of neutrality, it is hoped that the loyal, open behavior of France towards neutrals



will soon dissipate the clouds that are beginning to rise betwixt her and the United States, and even in case the present negotiation end without a treaty the American flag will henceforth be respected and American ships treated before the courts as friendly to France.

Orders have been issued to privateers to respect everywhere neutral flags, amongst which the Americans are at the head, and France continues to release all their ships with costs as well as interest against the captors in cases which are still pending before courts of jurisdiction. There should be about fifty cases actually before the prize courts of ships captured in Europe, and all those who are truly Americans may count upon being released. The fate, however, of those who have letters of marque seemed not to be decided. It is believed that they cannot be acquitted without sanctioning the rights and conduct of the Americans in arming them, unless it should be by a treaty of amity.

Although these particulars are not official, they can be regarded as coming from a good source.

## XII

Samuel Hitchcock & Lucy his wife and  
Pamela Allen Plaintiffs

v<sup>s</sup>

Ira Allen Defendant

BURLINGTON Decem<sup>r</sup> 11, 1802

IN pursuance of an order of the Supreme Court of Chancery, made in this cause at Rutland, in the County of Rutland, on the 12th day of June A.D. 1802, having been attended by all the parties by themselves and their counsel, we have taken the account, as by said order to us was referred; and find that the S<sup>d</sup> Ethan Allen, Heman Allen, Zimri Allen, Ira Allen & Remember Baker did, on or about the year 1773, form a company for the purchasing lands for their joint benefit, in equal proportions as set forth in the orator's said Bill, that in the years 1773, 1774, & 1775 Lands were purchased by the several partners aforesaid to the amount of 77,622 acres in the several towns as Specified and set forth in the schedule hereunto annexed. The expences attending said purchases and services rendered in prosecuting said joint concern were from time to time Settled and adjusted. We also find that before July 1775 there had been sold by the said Company and the several members thereof lands in the said several towns of and belonging to said company to the amount of 16,793 acres as set forth in said Schedule and that there then remained the interest and property of said Company lands in said several towns to the amount of 60,829 acres as set forth in the schedule aforesaid. We find that the s<sup>d</sup> Remember Baker died in July 1775, we also find that in March 1776 s<sup>d</sup> Zimri Allen died without issue, having made his will and appointed s<sup>d</sup> Ira Allen his executor, by virtue of which will the property of s<sup>d</sup> Zimri in the said Company property became vested in Ethan Allen, Heman Allen, Heber Allen, Levi Allen and Ira Allen, Brothers, and John A. Finch, heir & representative of Lydia Finch, & sister of the s<sup>d</sup> Zimri, in equal shares, that is, one sixth of one fifth of the afores<sup>d</sup> Company property to each of the persons last afs<sup>d</sup> and the s<sup>d</sup> Ira took upon himself the executorship of s<sup>d</sup> will. We further find that the said Heman Allen died in the month of May 1778 having made his will, in & by which s<sup>d</sup> will, after having given several specific devises as will appear in the Schedule afs<sup>d</sup> he devised one half of his remaining right & property in s<sup>d</sup> company lands to his daughter, Lucinda Allen, and the other remaining half to the said Ethan Allen & Ira Allen equally, and appointed the said Ethan Allen & Ira Allen executors thereof, and the s<sup>d</sup> Ethan having renounced, the said Ira took upon himself the executorship of s<sup>d</sup> Will, whereupon the Right to said lands purchased afs<sup>d</sup> became & were vested in the s<sup>d</sup> Ethan, together with others, in

the proportion of one fifth part of his original share, and one eleventh part by virtue of the said several devises contained in s<sup>d</sup> several wills. We also find that in the month of February 1789 the said Ethan died intestate leaving Frances Allen, now Frances Penniman, his widow, & Lucy C. Allen, now Lucy C. Hitchcock, & Pamela Allen, two of the Plaintiffs, & Maryan Allen, his lawful issue by Mary Allen, his former wife, deceased, & Frances M. Allen, Hannibal M. Allen & Ethan A. Allen, his lawful issue by s<sup>d</sup> Frances, his second wife. That in the month of October 1790 the s<sup>d</sup> Maryan Allen died intestate, having attained her full age of eighteen years & leaving the s<sup>d</sup> Lucy C. Hitchcock & Pamela Allen, her sisters of the whole blood and heirs at Law. We also find that the said Ira has at different times and by various means proved the legal title to the whole of s<sup>d</sup> company lands, to be vested in himself, subject nevertheless to a trust for the parties of said company or their legal representatives. We likewise find that the said Ira has, by sales, mortgages & various other ways, so far incumberd the s<sup>d</sup> lands that a division thereof in specie cannot safely be made — we have therefore made a valuation of s<sup>d</sup> lands remaining in the said Ira and for which he ought to account at their true & Just value in money amounting in the whole to the sum of \$297,042.50 as set forth in the Schedule afores<sup>d</sup> — We also find that after deducting . . . . . for the specific Legacies contained in the will of s<sup>d</sup> Heman for Lands sold by the said Ethan in his lifetime, the avails of which he received, & certain lands which were divided between the said Ethan & Ira in the lifetime of the s<sup>d</sup> Ethan, and deducting the ballance due to s<sup>d</sup> Ira from the Estate of the s<sup>d</sup> Ethan & also a ratable proportion of all taxes & other charges & expences advanced by the s<sup>d</sup> Ira in taking care of s<sup>d</sup> Lands, taking into consideration in making the afs<sup>d</sup> deductions a certain contract in writing entered into between the s<sup>d</sup> Ethan relative to s<sup>d</sup> company lands, all which is set down in the schedule afs<sup>d</sup> there is due to the heirs of the s<sup>d</sup> Ethan Allen the sum of \$69,823.36, of which the s<sup>d</sup> Plaintiffs, to wit the S<sup>d</sup> Sam<sup>l</sup> Hitchcock & Lucy his wife & Pamela Allen, claim three eighth parts, being the sum of twenty six thousand one hundred eighty three dollars & seventy six cents, All which we humbly submit to this Hon<sup>l</sup> Court.

NATH<sup>l</sup> CHIPMAN  
DANIEL CHIPMAN  
NOAH CHITTENDEN

(Copy)



SCHEDULE OF LANDS PURCHASED AND SOLD BY THE UNION RIVER COMPANY AND THE NUMBER OF ACRES  
UNSOLD, 1775, WITH THE PRESENT VALUE THEREOF

NAMES OF TOWNS	NUMBER OF RIGHTS	ACRES IN A RIGHT	ACRES IN EACH TOWN	ACRES SOLD	TO WHOM SOLD	WHEN SOLD	ACRES UNSOLD	PRICE PER ACRE		TOTAL AMOUNT	
								Dollars	Cents	Dollars	Cents
Burlington	10	334	3340	721	Judge Lane	Before	1447	5	50	7958	50
				103	Jonas Fay	July 1775					
				206	J. Vanorum	Do					
				51½	A. Benedict	Do					
				184½	F. Powell	Do					
				103	F. Soudam	Do					
				180	Do	Do					
				309½	L. Lawrence	Do					
				134½	A. Bradley	Do					
				1952½	A. Hurlbut	Do					
Jericho	16 Gov. Rt.	380	6080	1893	Deduct for highways	Do	5780	6	00	34680	00
				309	Do	Do					
				412	Deacon Rood	Do					
				103	Brown	Do					
				824	R. Messenger	Do					
				24	Deduct for highways	Do					
				800	Do	Do					
				206	T. Hall	Do					
				103	Keeler Trobridge	Do					
				103	Cole	Do					
Shelburn	21	197	4137	103	J. Baker	Do	3037	6	00	18222	00
				103	Robt. Cockran	Do					
				412	Wm. Blanchard	Do					
				103	A. Benedict	Do					
				1133	Deduct for highways	Do					
				33	Do	Do					
				1100	Do	Do					
				2060	Stanton & Lawrence	Do					
				309	Joshua Stanton	Do					
				206	Smith	Do					
Essex	12	344	4128	309	Zadock Hurlbut	Do	1828	6	00	10968	00
				2884	Deduct for highways	Do					
				84	Do	Do					
				2800	Do	Do					

NAMES OF TOWNS	NUMBER OF RIGHTS	ACRES IN EACH RIGHT	ACRES IN EACH TOWN	ACRES SOLD	TO WHOM SOLD	WHEN SOLD	ACRES UNSOLD	PRICE PER ACRE		TOTAL AMOUNT	
								Dollars	Cents	Dollars	Cents
Colchester	22 Gov. Rt.	300	6600 500	206	Joseph Fuller	Before					
				103	Abel Benedict	July 1775					
				206	Daniel Vendeliden	Do					
				721	Leonard Owen	Do					
New Huntington	1	333	333	103	Abel Hulbut	Do					
				103	Consider H. Hulbut	Do					
				103	Abel Benedict	Do					
				206	Capt. J. Pervin	Do					
				1751	Deduct for highways	Do	5400	4	50	24300	00
				51			333	2	50	832	50
				1700			13986	4	75	66433	50
							10989	3	..	32067	00
Swanton	42	333	13986	1236	Chittenden & Spafford	Do					
				4017	Do	Do					
				257 1/2	Amos Brownson	Do					
				257 1/2	Elihu Allen	Do					
				51 1/2	Pierce Winslow	Do					
				103	Nathl Winslow	Do					
				51 1/2	James Holmes	Do					
				103	Chamberlin	Do					
				206	Abijah Pratt	Do					
				6283	Deduct for highways						
Charlotte Georgia	8 1/2 42 Gov. Rt.	358 333	3043 13986 500 14486	6100			2900	5	50	15950	00
				500	David Spafford	Do	3043	6	..	18258	00
				500	The Jewets	Do					
				200	Dossy	Do					
				200	Henderson	Do					
				200	James Evarts	Do					
				100	Partridge	Do					
				100	B. Coy	Do					
				200	D. Dun	Do					
				200	Moses Hulbert	Do					
Williston	30	300	9000	2400	Purchaser unknown	Do	12086	5	50	66473	00

The foregoing valuation is made agreeable to a written contract entered into between the late General Ethan Allen & Ira Allen relating to s<sup>d</sup> company lands, which s<sup>d</sup> contract by consent of parties is taken as the outlines of a settlement between them relating to the same.

Total amount of Lands owned by the Onion River Company unsold July 1775 is 60,829 acres.

One fifth part of the lands owned by the Onion River Company remaining unsold July, 1775, being the share of Ethan Allen, formally [*sic*] one of s<sup>d</sup> Company, is 12165 $\frac{1}{2}$  Acres.

One eleventh part of the lands owned by s<sup>d</sup> Company remaining unsold July 1775 which the s<sup>d</sup> Ethan Allen held by virtue of Zimri & Heman Allen's wills, deducting from s<sup>d</sup> eleventh part one fourth of certain Legacies given by said Heman out of his share in s<sup>d</sup> Company lands, towit, two hundred & fifty acres in Burlington, Seventy five in Colchester, one hundred & twenty five in Georgia; one hundred & twenty five in Swanton & one hundred & twenty five in Highgate — 4830 Acres.

The Taxes on the lands owned by Ethan Allen as aforesaid from the Year 1775 to the Year 1802 and expences accruing thereon being \$1226.76 paid by Ira Allen in lands sold in Williston at their value at the time s<sup>d</sup> taxes were paid, which amounts to one fifth & one eleventh of s<sup>d</sup> Company lands in Williston.

By a contract entered into between the s<sup>d</sup> Ethan Allen & Ira Allen on the first day of May 1782 they divided and set apart to each other on their respective shares of s<sup>d</sup> company Lands the following Lands, towit, To the s<sup>d</sup> Ira seven hundred acres in the Town of Colchester & to the s<sup>d</sup> Ethan the whole of his share of Company lands in the Town of Burlington.

The present value of the said share of the s<sup>d</sup> Ethan Allen in s<sup>d</sup> Company lands, deducting the s<sup>d</sup> lands in Williston sold for the payment of Taxes & the s<sup>d</sup> lands in Burlington so set apart to the s<sup>d</sup> Ethan as afs<sup>d</sup> and also deducting for 1316 acres of land which s<sup>d</sup> Ethan Allen sold in his life time in the town of Charlotte, his the s<sup>d</sup> Ethan's share of Company lands in Charlotte being 980 acres, and from his the s<sup>d</sup> Ethan's share in Shelburn 336 acres is \$70,304.79, being 11,759  $\frac{4}{5}$  &  $\frac{1}{11}$  Acres — That is to say:  
Ethan Allen's share in s<sup>d</sup> Company Lands in

Jericho.....	1681 & 6/11 Acres at \$6 pr acre .....	\$10088.72
Shelburn.....	547 $\frac{2}{5}$ & $\frac{1}{11}$ 6 .....	3284.95
Essex.....	531 $\frac{3}{5}$ & $\frac{2}{11}$ 6 .....	3184.70
Colchester.....	1154 & $\frac{10}{11}$ 4.50 .....	6156.59
New Huntington..	96 $\frac{3}{5}$ & $\frac{3}{11}$ 2.50 .....	241.98
Swanton.....	3943 $\frac{1}{5}$ & $\frac{5}{11}$ 4.75 .....	18732.35
Highgate.....	3321 $\frac{4}{5}$ 3 .....	9965.40
Georgia.....	3390 $\frac{1}{5}$ & $\frac{8}{11}$ 5.50 .....	18650.10
	<u>11759 <math>\frac{4}{5}</math> &amp; <math>\frac{1}{11}</math></u> .....	<u>\$70304.79</u>



Balance of all the demands between the Estate of Ethan Allen & the s<sup>d</sup> Ira Allen is four hundred eighty one dollars forty three cents, which being deducted from the s<sup>d</sup> sum of seventy thousand three hundred four dollars and seventy nine cents there remains due from the s<sup>d</sup> Ira to the heirs of the s<sup>d</sup> Ethan Allen sixty nine thousand eight hundred twenty three dollars & thirty six cents. The share claimed by Samuel Hitchcock in right of his wife Lucy Hitchcock & of Pamela Allen, three eighths of the s<sup>d</sup> last mentioned sum of \$69,823.36, is twenty six thousand one hundred eighty three dollars & seventy six cents.

NATH<sup>l</sup> CHIPMAN  
DANIEL CHIPMAN  
NOAH CHITTENDEN

Fees of the Masters in taking the foregoing account:

Nathaniel Chipman 37 days @ 3 Doll <sup>s</sup> .....	\$111.00
Daniel Chipman...30.....3.....	90.00
Noah Chittenden...30.....3.....	90.00
	<u>291.00</u>
Clerk hire.....	15.00
	<u>306.00</u>

Paid by Plff.

N. CHIPMAN

(A Copy)



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*Note:* This is a part of what Allen calls Vol. 2, and was hurried through the press without title-page.

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